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PUBLIC LAWS AND RESOLUTIONS
OF THE
STATE OF NORTH CAROLINA
PASSED BY THE
GENERAL ASSEMBLY
AT ITS
SESSION OF 1897,
BEGUN AND HELD IN THE CITY OF RALEIGH
ON
WEDNESDAY, THE SIXTH DAY OF JANUARY, A. D. 1897.

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OFFICIAL REGISTER

FOR THE YEAR 1897.

STATE GOVERNMENT.

DANIEL L. RUSSELL.....	New Hanover county.....	Governor.
CHARLES A. REYNOLDS.....	Forsyth county.....	Lieutenant Governor.
CYRUS THOMPSON.....	Onslow county.....	Secretary of State.
HAL. W. AYER.....	Wake county.....	Auditor.
WILLIAM H. WORTH.....	Wake county.....	Treasurer.
CHARLES H. MEBANE.....	Catawba county.....	Superintendent of Public Instruction.
ZEB. V. WALSER.....	Davidson county.....	Attorney General.
A. D. COWLES.....	Wilkes county.....	Adjutant General.
M. I. & J. C. STEWART.....	Forsyth county.....	Public Printers.
J. L. BURNS.....	Martin county.....	Keeper of Capitol.
R. A. COBB.....	Burke county.....	Librarian.
J. E. ALEXANDER.....	Forsyth county.....	Private Secretary to Governor.
L. V. DARBY.....	New Hanover county.....	Executive Clerk.
A. D. K. WALLACE.....	Rutherford county.....	Clerk to Secretary of State.
JNO. A. SIMS.....	Cabarrus county.....	Clerk to Auditor.
J. W. DENMARK.....	Wake county.....	Clerk to Treasurer.
S. L. CROWDER.....	Warren county.....	Teller.
W. H. MARTIN.....	Wake county.....	Clerk for Institutions.

THE JUDICIARY.

SUPREME COURT.

NAMES.	RESIDENCES.
W. T. FAIRCLOTH, Chief Justice.....	Goldsboro.
WALTER CLARK, Associate Justice.....	Raleigh.
D. M. FURCHES, Associate Justice.....	Statesville.
WALTER A. MONTGOMERY, Associate Justice.....	Raleigh.
ROBERT M. DOUGLASS, Associate Justice.....	Greensboro.
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.....	New Bern.
E. W. TIMBERLAKE.....	Third.....	Louisburg.
W. S. O'B. ROBINSON.....	Fourth.....	Goldsboro.
S. B. ADAMS.....	Fifth.....	Roxboro.
OLIVER H. ALLEN.....	Sixth.....	Kinston.
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.

T. H. SUTTON.....	Fayetteville.
H. G. EWART.....	Hendersonville.

SOLICITORS.

R. S. McCALL.....	Asheville.
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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
Murray Hanson.....	14 St. Paul street, Baltimore, Md	May 1, 1895.
Joseph B. Braman.....	120 Broadway, New York City	May 9, 1895.
Wm. N. Netherland.....	Washington, D. C	May 11, 1895.
Vincent Roseman.....	277 Broadway, New York City	May 23, 1895.
Wirt E. Humphrey.....	Chicago, Ill., 531 Monadnock Block.....	May 28, 1895.
J. C. Bruce.....	Danville, Va.....	June 7, 1895.
Chas. W. Sparhawk.....	400 Chestnut street, Philadelphia, Pa	July 5, 1895.
Kinley J. Tener.....	411 Canal street, Philadelphia, Pa.....	July 17, 1895.
Stuart Derby.....	115 Monroe street, Chicago, Ill.....	July 23, 1895.
Joseph T. Harrison.....	S. W. Cor. 5th & Main streets, Cincinnati, O.....	July 23, 1895.
Robt. W. Tomlin.....	4 & 6 Acad. Music Building, Norfolk, Va.....	September 1, 1895.
Wm. M. Fitch.....	44 Broad street, Charleston, S. C.....	September 13, 1895.
Alfred Mackay.....	59 Cedar street, New York City.....	September 13, 1895.
Norman Cassell.....	434 High street, Portsmouth, Va.....	September 26, 1895.
Augustus F. Warr.....	14 Castle street, Liverpool, Eng.....	October 14, 1895.
George H. Corey.....	66 Wall street, New York City.....	October 26, 1895.
Alfred Heales.....	15 Knighttridar street, Doctors Commons, London, England.....	November 6, 1895.
Henry E. Taintor.....	Room 21 23, Hill's Block, Hartford, Conn.....	November 9, 1895.
William Wagner, Jr.....	15 & 18 South 3d street, Philadelphia, Pa.....	November 25, 1895.
H. G. Bye.....	Columbiana, Ohio.....	November 25, 1895.
J. M. Perkins.....	Portsmouth, Va.....	November 30, 1895.
Livingston W. Cleveland.....	New Haven, Conn.....	December 2, 1895.
Edward Feil Lukens.....	812 816 Gerard Building, Philadelphia, Pa.....	December 2, 1895.
Thos. J. Hunt.....	623 Walnut street, Philadelphia, Pa.....	December 4, 1895.
Charles Edgar Mills.....	115 & 117 Broadway, New York.....	November 23, 1895.
Anson S. Taylor.....	1213 F street, Washington, D. C.....	December 13, 1895.
Ph. H. Hoffman.....	220-222 Equitable Building, Fayette & Calvert street, Baltimore, Md.....	December 28, 1895.
G. Evett Reardon.....	Cor. Lexington & St. Paul sts, Baltimore, Md.....	January 15, 1896.
Geo. W. Hunt.....	623 Walnut street, Philadelphia, Pa.....	February 3, 1896.
Rufus K. McHarg.....	137 Broadway, New York City.....	February 4, 1896.
Julius P. Woodley.....	Norfolk, Va.....	February 19, 1896.
W. H. H. Raleigh.....	Cor. Hopkins Place, Baltimore, Md.....	February 24, 1896.
Edward J. Jones.....	61 Court street, Boston, Mass.....	March 2, 1896.
W. L. Williams.....	104 Main street, Norfolk, Va.....	March 6, 1896.
John B. Maxwell.....	120 Broadway, New York.....	March 6, 1896.
Meloney C. Soniat.....	213 214 Henner Building, New Orleans, La.....	March 12, 1896.
Wm. H. Clarkson.....	115 Broadway, New York.....	March 26, 1896.
Thomas Frost.....	Charleston, S. C.....	March 28, 1896.
G. H. Tanner.....	Atlanta, Ga.....	April 1, 1896.
Abraham H. Fisher.....	1703 Druid Hill Avenue, Baltimore, Md.....	April 28, 1896.
C. H. Flynn.....	912 W. Gardais street, Columbia, S. C.....	May 12, 1896.
Jno. E. Mitchell.....	1321 F street N. W., Washington, D. C.....	May 15, 1896.
Samuel S. Boggs.....	S. E. Cor. Calvert & Fayette sts., Baltimore.....	May 15, 1896.
Thomas W. Folsom.....	826 Broadway, New York.....	May 27, 1896.
T. H. Pennington.....	36 Dale street, Liverpool, Eng.....	May 27, 1896.
H. C. King.....	17 Sergeants Inn, Fleet st., London, Eng.....	June 19, 1896.
Robert Gilliam.....	Petersburg, Va.....	June 22, 1896.
Chas. S. Bundy.....	317 319, 4 1 2 st. N. W., Washington, D. C.....	July 18, 1896.
Edward H. Cloud.....	703 Walnut street, Philadelphia, Pa.....	October 13, 1896.
W. F. Robb.....	Pittsburgh, Pa.....	November 7, 1896.
W. H. Humphrey.....	224 Church street, New York.....	November 14, 1896.
Mark A. Foote.....	531 Monadnock Block, Jackson, Dearborn & Vanburen streets, Chicago, Ill.....	November 30, 1896.
James M. Norfleet.....	503 Columbia Building, Philadelphia, Pa.....	December 2, 1896.
Samuel L. Taylor.....	1109 Betz Building, Philadelphia, Pa.....	December 5, 1896.
Samuel Jenison.....	186 Washington street, Boston, Mass.....	December 5, 1896.
Edmund S. Ruffin.....	Rooms 4 & 6, Acad. of Music, Norfolk, Va.....	December 7, 1896.
George McCaffrey.....	116 St. Paul street, Baltimore, Md.....	December 12, 1896.
Peter F. Canahan.....	230 E. 42d street, New York City.....	December 12, 1896.

LIST OF COMMISSIONERS OF AFFIDAVITS.—*Continued.*

NAME OF COMMISSIONER.	ADDRESS.	DATE OF APPOINTMENT
Howard Abrahams.....	Equitable Building, Baltimore, Md.....	December 21, 1896.
Armour C. Anderson.....	13 Chambers street, New York City.....	December 23, 1896.
S. S. Willard.....	107 Dearborn street, Chicago, Ill.....	January 4, 1897.
L. D. Starke.....	74 & 76 Main street, Norfolk, Va.....	January 30, 1897.
Chas. Hall Adams.....	23 Court street, Boston.....	February 2, 1897.
L. D. Starke, Jr.....	Norfolk, Va.....	February 5, 1897.
William B. Adams.....	Savannah, Ga.....	February 13, 1897.
Eleazer Jackson.....	293 Broadway, New York.....	March 11, 1897.
Ella F. Braman.....	120 Broadway, New York.....	March 13, 1897.
John A. Hillery.....	56 Wall street, New York.....	March 17, 1897.
J. Kemp Bartlett, Jr.,.....	N. E., Cor. Baltimore & St. Paul's streets, Baltimore, Md.....	March 30, 1897.
Edward Carter.....	Duane, Cor. Washington st., New York.....	April 1, 1897.
R. H. Evans.....	1321 F street, Washington, D. C.....	April 3, 1897.
Edwin F. Corey.....	56 Wall street, New York City.....	April 8, 1897.
B. A. Hamlin.....	Danville, Va.....	April 12, 1897.

STATE OF NORTH CAROLINA, }
OFFICE OF SECRETARY OF STATE, }
RALEIGH, April 28, 1897. }

I, CYRUS THOMPSON, 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.

CYRUS THOMPSON, *Secretary of State.*

MEMBERS OF THE GENERAL ASSEMBLY.

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

SENATORS.

C. A. REYNOLDS, LIEUTENANT GOVERNOR, President, Winston.

SENATORS.	DISTRICTS.	POST OFFICE.
J. L. Whedbee.....	First.....	Hertford.
John F. Newsome.....	First.....	Winton.
T. E. McCaskey.....	Second.....	Dardens.
M. B. Yeager.....	Second.....	Plymouth.
J. M. Earley.....	Third.....	Angander.
E. T. Clark.....	Fourth.....	Weldon.
W. L. Person.....	Fifth.....	Rocky Mount.
A. J. Moye.....	Sixth.....	Farmville.
John F. Mitchell.....	Seventh.....	Youngs ville.
J. T. Sharpe.....	Seventh.....	Elm City.
W. T. McCarthy.....	Eighth.....	New Bern.
G. L. Hardison.....	Eighth.....	Thurman.
H. L. Grant.....	Ninth.....	Goldsboro.
R. G. Maxwell.....	Ninth.....	Outlaw's Bridge.
G. H. Cannon.....	Tenth.....	Town Creek.
W. B. Henderson.....	Eleventh.....	Middleburg.
C. H. Utley.....	Twelfth.....	Wake Forest.
E. S. Abeil.....	Thirteenth.....	Smithfield.
G. E. Butler.....	Fourteenth.....	Clinton.
E. N. Roberson.....	Fourteenth.....	Tar Heel.
Angus Shaw.....	Fifteenth.....	Maxton.
J. D. Maulsby.....	Fifteenth.....	Whiteville.
J. McP. Geddie.....	Sixteenth.....	Cedar Creek.
William Merritt.....	Seventeenth.....	Bethel Hill.
E. S. Parker.....	Eighteenth.....	Graham.
J. E. Lyon.....	Eighteenth.....	Durham.
J. W. Atwater.....	Nineteenth.....	Rialto.
J. A. Walker.....	Twentieth.....	Monroeton.
A. M. Sales.....	Twenty-first.....	Greensboro.
D. Reid Parker.....	Twenty-second.....	Trinity College.
D. A. Patterson.....	Twenty-third.....	Stewart.
W. H. Odum.....	Twenty-third.....	McFarlan.
C. D. Barringer.....	Twenty-fourth.....	Mt. Pleasant.
J. B. Alexander.....	Twenty-fifth.....	Charlotte.
J. A. Ramsay.....	Twenty-sixth.....	Salisbury.
S. A. Eyrnhart.....	Twenty-sixth.....	Salisbury.
S. F. Shore.....	Twenty-seventh.....	Shore.
A. C. Sharpe.....	Twenty-seventh.....	Fancy Hill.
J. A. Ashburn.....	Twenty-eighth.....	Pilot Mountain.
Milton McNeill.....	Twenty-ninth.....	Wilkesboro.
R. H. W. Barker.....	Twenty-ninth.....	Harvey.
J. M. Dickson.....	Thirtieth.....	Idol.
E. F. Wakefield.....	Thirty-first.....	Lenoir.
James L. Hyatt.....	Thirty-first.....	Burnsville.
M. H. Justice.....	Thirty-second.....	Rutherfordton.
J. A. Anthony.....	Thirty-second.....	Shelby.
W. W. Rollins.....	Thirty-third.....	Asheville.
G. H. Smathers.....	Thirty-third.....	Waynesville.
H. S. Anderson.....	Thirty-fourth.....	Hendersonville.
J. F. Ray.....	Thirty-fifth.....	Franklin.

OFFICERS.

NAMES.	POSITIONS.	POST OFFICE.
C. A. Reynolds.....	President.....	Winston.
H. E. King.....	Principal Clerk.....	Peanut.
J. A. Buchanan.....	Engrossing Clerk.....	Elf.
J. M. Mewborne.....	Enrolling Clerk.....	Kinston.
J. F. Reynolds.....	Enrolling Clerk.....	Winston.
T. N. Hallyburton.....	Door Keeper.....	Morganton.
V. J. McArthur.....	Assistant Door Keeper.....	Lissa.
J. W. Watson.....	Reading Clerk.....	New Bern.

REPRESENTATIVES.

A. F. HILEMAN, SPEAKER, Concord.

SPENCER BLACKBURN, SPEAKER PRO TEM., Jefferson.

NAMES.	POST OFFICE.	COUNTY.
Stephen A. White.....	Mebane.....	Alamance.
John Walter Watts.....	Taylorsville.....	Alexander.
Hillory F. Jones.....	Sparta.....	Alleghany.
James F. Leak.....	Wadesboro.....	Anson.
Edmond Spencer Blackburn.....	Jefferson.....	Ashe.
Henry Edgar Hodges.....	Mineola.....	Beaufort.
King W. White.....	Wind-or.....	Bertie.
Sidney Meares.....	Clarkton.....	Bladen.
William W. Drew.....	El Paso.....	Brunswick.
Virgil S. Lusk.....	Asheville.....	Buncombe.
William Gaston Candler.....	Candler.....	Buncombe.
John Henry Pearson.....	Morganton.....	Burke.
A. F. Hileman.....	Concord.....	Cabarrus.
James Lee Nelson.....	Lenoir.....	Caldwell.
J. E. Burgess.....	Old Trap.....	Camden.
E. C. Duncan.....	Beaufort.....	Carteret.
C. J. Yarborough.....	Locust Hill.....	Caswell.
Leroy Robinson Whitener.....	Hickory.....	Catawba.
Los. L. Wrenn.....	Siler City.....	Chatham.
J. E. Bryan.....	Moncure.....	Chatham.
D. W. Deweese.....	Murphy.....	Cherokee.
Richard Elliott.....	Cisco.....	Chowan.
William F. Plott.....	Warne.....	Clay.
B. F. Dixon.....	King's Mountain.....	Cleveland.
J. B. Schulken.....	Whiteville.....	Columbus.
Robert Hancock.....	New Bern.....	Craven.
William P. Wemyss.....	Fayetteville.....	Cumberland.
Thomas H. Sutton.....	Fayetteville.....	Cumberland.
Willis H. Gallop.....	Harbinger.....	Currituck.
J. C. Daniels.....	Wanchese.....	Dare.
J. Raymond McCrary.....	Lexington.....	Davidson.
William Alex. Bailey.....	Advance.....	Davie.
Maury Ward.....	Joford.....	Duplin.
J. W. Umstead.....	Durham.....	Durham.
Elbert E. Bryan.....	Lawrence.....	Edgecombe.
J. H. Dancy.....	Tarboro.....	Edgecombe.
William P. Ormsby.....	Salem.....	Forsyth.
John L. Grubbs.....	Walkertown.....	Forsyth.
W. T. Barrow.....	Youngsville.....	Franklin.
Samuel M. Wilson.....	Gould.....	Gaston.
Timothy H. Rountree.....	Drumhill.....	Gates.
John Deyton.....	Robbinsville.....	Graham.
William H. Crews.....	Oxford.....	Granville.
John King.....	Buchanan.....	Granville.
William R. Dixon.....	Farmville.....	Greene.
B. C. Chilcutt.....	Brown's Summit.....	Guilford.
J. C. Bunch.....	Oak Ridge.....	Guilford.
Scotland Harris.....	Littleton.....	Halifax.
J. H. Arrington.....	Halifax.....	Halifax.
Lillias Burdett Chapin.....	Summerville.....	Harnett.
James William Ferguson.....	Waynesville.....	Haywood.
Jerome B. Freeman.....	Fruitland.....	Henderson.
Starkey Hare.....	Tunis.....	Hertford.
John G. Harris.....	Fairfield.....	Hyde.
James Alexander Hartness.....	Statesville.....	Iredell.
John R. McClelland.....	Mooreville.....	Iredell.
John B. Ensley.....	Beta.....	Jackson.
Charles M. Creech.....	Clayton.....	Johnston.
Claude W. Smith.....	Princeton.....	Johnston.
H. F. Brown.....	Tuckahoe.....	Jones.
E. P. Hanser.....	Kinston.....	Lenoir.
Luther Alexander Abernathy.....	Macphelah.....	Lincoln.
S. H. Lyle.....	Franklin.....	Macon.
J. W. Roberts.....	Marshall.....	Madison.
Charles Carroll Fagan.....	Dardens.....	Martin.
J. A. Connelly.....	Marion.....	McDowell.
M. B. Williamson.....	Charlotte.....	Mecklenburg.

REPRESENTATIVES.—*Continued.*

NAMES.	POST OFFICE.	COUNTY.
W. S. Clanton.....	Charlotte.....	Mecklenburg.
Walter Pharr Craven.....	Bristow.....	Mecklenburg.
Landon H. Green.....	Bakersville.....	Mitchell.
Joseph A. Reynolds.....	Okeewenee.....	Montgomery.
William Henry Harrison Lawhon.....	Lawhon.....	Moore.
Van. B. Carter.....	Elm City.....	Nash.
D. B. Sutton.....	Wilmington.....	New Hanover.
J. T. Howe.....	Wilmington.....	New Hanover.
N. R. Rawls.....	Garysburg.....	Northampton.
R. Duffy.....	Catharine Lake.....	Onslow.
Albert R. Holmes.....	Rock Spring.....	Orange.
Charles McCless Babbitt.....	Bayboro.....	Pamlico.
William Gaskins Pool.....	Elizabeth City.....	Pasquotank.
Gibson James.....	Maple Hill.....	Pender.
J. H. Parker.....	Hertford.....	Perquimans.
John Somerville Cunningham.....	Cunningham.....	Person.
Edward Victor Cox.....	Coxville.....	Pitt.
Slade Chapman.....	Coxville.....	Pitt.
Grayson Arledge.....	Mill Springs.....	Polk.
James Monroe Allen.....	Ralph.....	Randolph.
James J. White.....	Trinity.....	Randolph.
Young C. Morton.....	Rockingham.....	Richmond.
Claudius Dockery.....	Rockingham.....	Richmond.
Duncan E. McBryde.....	Mill Prong.....	Robeson.
William Jackson Currie.....	Maxton.....	Robeson.
A. E. Walters.....	Reidsville.....	Rockingham.
P. P. Foster.....	Nance.....	Rockingham.
James H. McKenzie.....	Salisbury.....	Rowan.
Walter Murphy.....	Salisbury.....	Rowan.
Lindsey Purgason.....	Logan's Store.....	Rutherford.
Robert M. Crumpler.....	Clinton.....	Sampson.
Cicero H. Johnson.....	Ingold.....	Sampson.
Edgar F. Eddins.....	Palmerville.....	Stanly.
Riley J. Petree.....	Germanton.....	Stokes.
John M. Brower.....	Mount Airy.....	Suriy.
James Harrison Cathy.....	Bryson City.....	Swain.
Edwin A. Aiken.....	Jeptha.....	Transylvania.
Dr. Abner Alexander.....	Columbia.....	Tyrrell.
James Newton Pice.....	Price's Mill.....	Union.
Moses M. Peace.....	Henderson.....	Yance.
James M. Ferrell.....	Raleigh.....	Wake.
J. P. H. Adams.....	Cary.....	Wake.
James H. Young.....	Raleigh.....	Wake.
Charles Alston Cook.....	Warrenton.....	Warren.
L. N. C. Spruill.....	Mackey's Ferry.....	Washington.
Thomas Bingham.....	Amantha.....	Watauga.
Thomas Bradley Parker.....	Goldsboro.....	Wayne.
Joseph E. Person.....	Pikeville.....	Wayne.
John Quincy Adams Bryan.....	Trap Hill.....	Wilkes.
Charles H. Somers.....	Wilkesboro.....	Wilkes.
Dr. Benjamin Thomas Person.....	Wilson.....	Wilson.
Joel C. Pinnix.....	Marler.....	Yadkin.
Carley Laphett McPeeters.....	Bald Creek.....	Yancey.

OFFICERS.

NAMES.	POSITIONS.	POST OFFICE.
Edward O. Mastin.....	Chief Clerk.....	Wilkesboro.
Elisha D. Stanford.....	Assistant Clerk.....	East Bend.
F. B. Benbow.....	Reading Clerk.....	East Bend.
B. F. Scarborough.....	Engrassing Clerk.....	Kinston.
J. F. Click.....	Assistant Clerk.....	Hickory.
D. F. Conrad.....	Assistant Clerk.....	Lexington.
O. A. Starbuck.....	Assistant Clerk.....	Kernersville.
D. T. House.....	Doorkeeper.....	House.

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PUBLIC LAWS,

SESSION 1897.

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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 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 :

Preamble.

ARTICLE I.

DECLARATION OF RIGHTS.

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

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

The equality and rights of men.

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

Political power and government.

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

Internal government of the state.

That there is no right to secede.

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

Of allegiance to the U. S. government.

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

Public debt.

SEC. 6. The State shall never assume or pay, or authorize the collection of any debt or obligation, express or implied, incurred in aid of insurrection or rebellion against the United States, or any claim 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 a 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 1868 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 dis-seized 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 Militia and the right to bear arms.

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.

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 a 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.

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.

Other rights of 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

Ratio of representation.

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.

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 *viva voce*.

Powers in rela-
tion 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 per-
sons, &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.

SEC. 15. The General Assembly shall regulate entails in such manner as to prevent perpetuities. Entails.

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. Journals.

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. Protest.

SEC. 18. The House of Representatives shall choose their own Speaker and other officers. Officers of the House.

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.

Pay of members
and officers 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.

Extra session.

ARTICLE III.

EXECUTIVE DEPARTMENT.

Officers of the
Executive
Department.

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.

Terms of office.

Qualifications of
Governor and
Lieutenant
Governor.

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.

Returns of elec-
tions.

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.

Oath of office
for Governor.

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, com-
mutations 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 De-
partment and
of Public Insti-
tutions.

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

Extra sessions
of General
Assembly.

convene the General Assembly in extra session by his proclamation, stating therein the purpose or purposes for which they are thus convened.

Officers whose appointments are not otherwise provided for.

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.

Duties of the Lieutenant Governor.

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.

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

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 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.

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.

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.

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.

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 the court before a jury.

- Division of Judicial powers. 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.
- Trial Court of Impeachment. 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.
- 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.
- Treason against the State. 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.
- Supreme Court Justices. SEC. 6. The Supreme Court shall consist of a Chief Justice and four Associate Justices.
- Terms of the Supreme Court. 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.
- Jurisdiction of 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.
- 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.

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.

Residences of Judges, Rotation in Judicial Districts. And Special Terms.

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.

Jurisdiction of Courts inferior to Supreme Court.

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.

In case of waiver of trial by jury.

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.

Special courts in cities.

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

Clerk of Supreme Court.

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.

Election of Superior Court Clerk.

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

Term of office.

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.

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

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.

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, herein provided for, shall be elected by the voters of their respective districts.

Transaction of business in the Superior Courts.

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.

Solicitors for each Judicial District.

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.

Sheriffs and Coroners.

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.

Vacancies.

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

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.

Terms of office of first officers under this Article.

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.

Jurisdiction of Justices of the Peace.

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 Justice.

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.

Vacancies in office of Superior Court Clerk.

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.

Officers of other Courts inferior to Supreme Court.

Removal of
Judges of the
various Courts
for inability.

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
Clerks 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.

Amendments not
to vacate exist-
ing offices.

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.

ARTICLE V.

REVENUE AND TAXATION.

Capitation tax.

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.

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.

SEC. 3. Laws shall be passed taxing, by 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.

Taxation shall be by uniform rule and ad valorem.

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.

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

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.

Property exemptions from taxation.

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.

Taxes levied by County Commissioners.

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.

Acts levying taxes shall state object, &c.

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 preceeding 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.

Registration of
electors.

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, 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.

Elections by people
and General
Assembly.

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

Oath of office.

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."

Disqualification
for 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.

CHAPTER VII.

MUNICIPAL CORPORATIONS.

County officers.

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.

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.

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.

Said districts shall have corporate powers 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.

Officers of Townships.

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.

Trustees shall assess property.

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.

No debt or loan except by a majority of voters.

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

Drawing of money.

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.

Taxes to be ad valorem.

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.

When officers enter on duty.

Governor to appoint Justices.

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.

Charters to remain in force until legally changed.

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.

Debts in aid of the rebellion not to be paid.

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.

Powers of General Assembly over municipal corporations.

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.

Corporations under general laws.

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.

Debts of corporations, how secured.

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

What corporations shall include.

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.

Legislature to provide for organizing Cities, Towns, &c.

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.

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

Counties to be divided into districts.

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.

What property shall be devoted to educational purposes.

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

County School fund.

Proviso.	this State: <i>Provided</i> , that the amount collected in each county shall be annually reported to the Superintendent of Public Instruction.
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.
Power of Board.	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.
First session 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.
Quorum.	SEC. 12. A majority of the Board shall constitute a quorum for the transaction of business.
Expenses.	SEC. 13. The contingent expenses of the Board shall be provided by the General Assembly.
Agricultural Department.	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.

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.

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. Laborer's lien.

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. Benefit of widow.

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. Property of a married female secured to her.

Husband may insure his life for the benefit of wife and children.

SEC. 7. The husband may insure his own life for the sole use and benefit of his wife and children, and in case of the death of the husband, the amount thus insured shall be paid over to the wife and children, or to the guardian, if under age, for her or their own use, free from all the claims of the representatives of her husband, or any of his creditors.

How deed for homestead may be made.

SEC. 8. Nothing contained in the foregoing sections of this Article shall operate to prevent the owner of a homestead from disposing of the same by deed; but no deed made by the owner of a homestead shall be valid without the voluntary signature and assent of his wife, signified on her private examination according to law.

ARTICLE XI.

PUNISHMENTS, PENAL INSTITUTIONS AND PUBLIC CHARITIES.

Punishments.

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

Convict labor.

Proviso.

Death punishment.

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.

Penitentiary.

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.

Houses of correction.

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.

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.

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. Who are liable to militia duty.

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. Organizing, &c.

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.

Indictments.

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.

Penalty for fighting duel.

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.

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 1897.

PUBLIC LAWS

State of North Carolina,

SESSION 1897.

CHAPTER 1.

“An act to provide for counting the vote for officers of the Executive Departments and their induction into office, and to carry out the provisions of Article 3 of the Constitution.”

WHEREAS, Article III, Sec. 1 of the Constitution, provides Preamble, that the terms of the officers of the Executive Departments shall commence on the first day of January, next after their election; and, Whereas, Article III, Sec. 3 of the Constitution provides the returns of the votes of the said officers, of the Executive Departments, shall be sealed up and transmitted 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 the General Assembly, now, therefore;

The General Assembly of North Carolina do enact:

I. That on the first Tuesday, after the convening of the General Assembly, following the election of any or all State officers, of the Executive Departments, there shall be a joint session of the House of Representatives and Senate in the Hall of the House of Representatives, at 11 o'clock in the forenoon, when and where the Speaker of the House of Representatives shall proceed, in compliance with the provisions of the Constitution, to open and publish the vote for Governor and other officers of the Executive Departments, cast at the last preceding election.

Vote for Executive officers to be opened and published on first Tuesday after convening of General Assembly.

Governor (if present) to take oath of office at once.

II. That as soon as the result of the election held as aforesaid, shall be ascertained and published as provided in Sec. 1 of this act, *the Governor* elected at said election shall in the presence of the joint session, of the two Houses of the General Assembly, held as herein provided, (if he be present) take the oath of office prescribed by law and be immediately inducted into the office of Governor.

If not present, to take oath when he may deem proper.

Should the Governor-elect not be present at said joint session, then he may as soon thereafter as he may deem proper, take the oath of office before some Judge of the Supreme or Superior Court and be inducted into office.

Other officers to take oaths as soon as may be after counting of vote.

III. That as soon as the result of the election held as aforesaid, as to other officers of the Executive Departments, named in Article III, Sec. 1 of the Constitution, shall be ascertained and published as aforesaid, the officers elected to said offices of the Executive Departments, shall, as soon as may be, take the oath of office, prescribed by law for said officers and be inducted into the offices to which they have been elected.

IV. That all laws and clauses of laws in conflict with the provisions of this act, are hereby repealed.

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

In the General Assembly, read three times and ratified this the 12th day of January 1897.

CHAPTER 2.

An act to give Montgomery county an additional term of the superior court.

The General Assembly of North Carolina do enact :

Court terms of Three.

SECTION 1. That the County of Montgomery in the eighth "8" Judicial District shall have three "3" courts a year beginning as follows: On the first Monday in January a Term of two weeks.

Date of Courts.

On the third Monday in April a Term of one week.

All process returnable to second term.

On the fourth Monday after the first Monday in September a Term of two weeks. That all process civil, criminal, original mesne, or final returnable under the present law to any Superior Court shall be returnable to the Second Term of the Superior Court as established by this act.

SECTION 2. That this act shall be in force from the date of its ratification.

In the General Assembly read three times, and ratified this 10th February, 1897.

CHAPTER 3.

An act to amend chapter 156 of the laws of the General Assembly of 1895 relating to the Eastern Circuit Criminal Court.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter one hundred and fifty-six of the laws of the General Assembly of 1895 be amended as follows : Cumberland County added to district.

That section one of said act be amended by adding after the word "Halifax," in the fourth line of said section, the word "Cumberland," so that said Cumberland County be, and is hereby, added to said district.

SEC. 2. That section three of said act be amended by inserting the word "exclusive" after the word "have" in the first line, and by striking out the words "concurrent with the Superior Court," in the second line of said section, and after the word "act," in the fifth line, add the words "including the county of Cumberland, which is hereby added to said Circuit Criminal Courts." Criminal jurisdiction of Court "exclusive" in district.

SEC. 3. That section six of said act is amended by striking out all after the word "Court," in the seventh line, down to and including the word "Year," in the eighth line. Limitation of salary stricken out.

That section seven is amended as follows : Strike out all after the word "Assembly," where it first occurs in section seven, and insert in lieu thereof "when the Governor shall appoint a person to fill said office of Judge, for said Circuit, for such term and length of time as the State Constitution allows." Judge to be appointed by Governor.

SEC. 4. That section eight of said act is amended by adding after the word "Courts," in the last line, as follows : "And the said Judge shall have power to sign and award in Term consent or non-contested judgments or decrees, and in Term or out any other orders in provisional remedies, orders to show cause, and temporary restraining orders, or in supplementary proceedings, returnable to, or in the county where the action is pending, or other like civil orders or matters of a civil nature, where no contest is made, but shall not have power to hear, try or determine the same." Civil jurisdiction.

SEC. 5. That Section 14 of said act is amended by striking out all after the word "Courts" in the 5th line and inserting in lieu thereof as follows : "Jurors for said Circuit, as provided in this act, and of the act of which this is amendatory, shall be provided by the county authorities, and whenever there is a deficiency of jurors, the Court shall order the drawing or summoning of the same, as may be deemed best in the interest of pub- Jurors, how provided.
How deficiency of jurors supplied.

Challenges.	lie justice and economy, and as now provided by law, and may order the sheriffs to summon sufficient persons qualified to serve as jurors as the court may need to carry on the public business, and the said jurors shall be subjected to the same challenges as are now provided by law for the challenge of jurors, and all of said Section 14, from and including the word "and" in the fifth line down to and including the word "such" in the 24th line be stricken out.
Provision for Cumberland County.	SEC. 6. That Section 16 be amended by adding after the word "act" in the 2d line the words "and the County of Cumberland added to said Circuit by this act," and by striking out the words "when so requested by the Judge of said Circuit Criminal Court" in the second and third lines of said section, and after the word "court" in the 6th line, and before the word "when" in the last mentioned line, insert "or by this act of which they shall take notice."
County authorities to take notice of act.	SEC. 7. That the 17th section of said act is amended by adding after the word "year" in the 26th line of said section the words "and one term to begin on the third Monday in October in each year," and at the end of said section add :
Additional term for Robeson County.	"For Cumberland County :—One Term to begin on the 3d Monday in January in each year ; one Term to begin on the 2d Monday in July in each year ; one Term to begin on the 3d Monday in October in each year ; and one Term to begin on the 3d Monday in December in each year ; and said Terms shall continue for one week each, unless causes are on trial of great importance and unfinished, when the Judge may prolong the Court for such time as he shall think necessary and proper, and upon the written recommendation of the solicitor or members of the bar who may be acting as such, the Judge may order a special or extra Term for any of the Counties named in the act of 1895, of which this is amendatory, or of this act, when the public interests require it, and for such extra or special Term he shall receive the same compensation and be paid in the same manner as is now provided by law for other Judges for similar services, and the Solicitor shall receive the same compensation or fees as is now provided by law for holding special or extra terms, and be paid in the same manner ; and the several Clerks of the Courts shall furnish the Judges and Solicitors with certificates of each week or part of a week of Courts held under their hands and official seals."
Terms for Cumberland County.	
Judge may prolong term.	
Special terms.	
Compensation of Judge, Solicitors and Clerks.	
Judge not to practice law.	SEC. 8. That Section 19 of said Act is stricken out, and the following substituted for Section 19: "The Judge of said Circuit shall not practice law, either civil or criminal, but may act as advisory counsel in civil matters only.

SEC. 9. The Term of said Judge shall begin on the first day of April, 1897, when or before that day he shall be appointed by the Governor, and qualify and be commissioned by the Governor, and take the oath for Judges, before the Governor or some officer authorized by law to administer an oath, and after which shall enter upon the discharge of his duties, and until said 1st day of April, 1897, the several Judges authorized by law to hold civil and criminal courts in the counties referred to herein, shall continue so to do, as now provided by law, until his or their successor shall qualify and be ready to enter into the discharge of their duty as herein provided.

When judge to be appointed.

To take oath.

Present judges to hold Courts until judge appointed.

SEC. 10. That Section 21 of said Act is amended by inserting after the word "Act" in the second line, the words "and the county of Cumberland," and strike out after the word "returnable" in the 4th line all the words which follow the word "returnable" in said 4th line down to and including the word "certain" in the 5th line, and strike out all after the word "Court" in the 6th line of said section, so that it will read, "returnable before the Circuit Criminal next to be held in their respective counties."

Cumberland County.

How and when process to be made returnable.

SEC. 11. That the Courts of this Circuit as established by Chapter 156 of the Act of 1895, referred to, and the county of Cumberland herein added to the same shall be known and designated as the first Criminal Circuit of North Carolina, and the courts held after the first day of January, and before the first day of July, shall be the Spring Terms, and those after the first day of July and before the first day of January shall be known as the Fall Terms.

Court and terms how designated.

SEC. 12. That the Judge of said Circuit shall under the direction of the Governor exchange courts and rotate with the Judge of the Western Circuit Criminal Court, as now constituted, composed of the counties of Henderson, Haywood, Madison and Buncombe, and such other counties as may be added to the same when and as often and under such direction as the Governor may prescribe.

Judge of Eastern Circuit to rotate with judge of Western Circuit.

SEC. 13. That in cases of extraordinary importance or where much time may be taken in the examination of witnesses, in order to save delay and expense the Judge of said Circuits may have the testimony, rulings, orders, objection and exceptions taken down by a stenographer and type written, which shall be taken and deemed as official and kept for so long a time as the Judge may direct, and such other matters as may in his judgment be necessary, for which the said stenographer shall be paid by the County Treasurer where the cases are tried, and the work performed such an amount as the court may order and deem necessary, reasonable and proper.

Judge may employ stenographer.

How stenographer paid.

Compensation to Judge for additional Courts.

SEC. 14. That Section 24th of said act be amended by adding after the word "named," in the last line of said section, the following, for which the said Judge shall receive the same compensation and be paid in the same manner as now provided by law to other Judges for like or similar services: *Provided*, That the Judge so appointed by the Governor shall only hold his office until a Judge shall be elected by the people of the district at the next general election.

Judge to be elected at next general election.

SEC. 15. That all laws inconsistent or in conflict with the provisions of this act are hereby repealed.

SEC. 16. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this — day of February, 1897.

CHAPTER 4.

An act to validate the probate of a deed to Wm. Dellinger taken before a deputy clerk.

The General Assembly of North Carolina do enact:

Probate and jury examination validated.

SECTION 1. That the probate of a deed from John Wilson and Mary Wilson his wife to William Dellinger, dated August 27th 1892 and registered in the Registers office for McDowell in book 22, page 141 on Dec. 8th 1892 be validated.

That the said probate and the privy examination of Mary M. Wilson taken and had before J. B. Keener, Deputy Clerk of the Superior Court of Richmond County Ga., shall be valid to all intents and purposes as if it had been properly had before an officer having power under the laws of North Carolina to probate deeds and take the privy examination of married women.

Registration declared effective.

SEC. 2. That the Registration of said deed upon the order of B. B. Price adjudging said probate and privy examination according to law and in due form shall be sufficient in law and have the same effect as if it had been ordered registered upon a lawful probate and privy examination taken before an officer having authority in law to take same.

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

In the General Assembly read three times and ratified this 22 day of Feby 1897.

CHAPTER 5.

An act to fix the time for the qualification of Justices of the Peace.*The General Assembly of North Carolina do enact :*

SECTION 1. That the term of Justices of the Peace, elected under the authority of section four of chapter one hundred and fifty-seven (157) of the public laws of one thousand eight hundred and ninety-five shall begin as soon as they shall qualify and end on the first Monday of December, one thousand eight hundred and ninety-eight.

Terms of Justices elected in 1896 to begin upon qualification.

SEC. 2. The Secretary of State is required to furnish each Clerk of the Superior Court with a copy of this act immediately upon its receipt by him.

Secretary to send copies of act.

SEC. 3. That the Clerk of the Superior Court, immediately upon receipt of this act, shall give notice in writing to each Justice of the Peace elected on the third day of November, one thousand eight hundred and ninety-six, to come to their offices within thirty days from the date of the service of notice and qualify.

Clerk to notify Justices.

SEC. 4. The acts and decisions of any Justice of the Peace who has qualified before the enactment of this act are hereby declared valid to all intents and purposes.

Acts of Justices ratified.

SEC. 5. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

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

In the General Assembly read three times and ratified this the 15th day of February, 1897.

CHAPTER 6.

An act to amend an Act entitled, "An act to establish a criminal circuit to be composed of the counties of Buncombe, Madison, Haywood and Henderson," ratified the 23d day of February, 1895.

The General Assembly of North Carolina do enact :

SECTION 1. That section one (1) of the act entitled, "An act to establish a criminal circuit to be composed of the counties of Buncombe, Madison, Haywood and Henderson," ratified the

Title of Court.

23d day of February one thousand eight hundred and ninety-five (1895), being chapter seventy-five (75) of the acts of one thousand eight hundred and ninety-five (1895), be amended by striking out the word "criminal" in lines one and two of said section one of the said act, and the name of said court shall be, "The Circuit Court of Buncombe, Madison, Haywood and Henderson counties."

Judge of Circuit Court to have concurrent civil jurisdiction with Judges of Superior Court.

SEC. 2. That the Judge of the said, "The Circuit Court of Buncombe, Madison, Haywood and Henderson counties," in addition to the criminal jurisdiction he now has, shall have also as to all civil actions and special proceedings and all civil business originating or pending in said four counties, or either of them, concurrent, equal jurisdiction, power and authority with the Judges of the Superior Courts of this State, to be exercised at chambers or elsewhere in said counties, in all respects as the Judges of the Superior Courts of this State have such power, jurisdiction and authority.

Extra terms of Superior Court of Buncombe county.

SEC. 3 That in addition to the regular terms of the Superior Court of Buncombe county, now provided by law, there shall be held in said county two extra terms of said court for two weeks each, beginning respectively on the third (3d) Monday in June and the first (1st) Monday in October in each year, and there shall be return and trial terms of said Superior Court of said county, for the trial of civil causes and transaction of civil business only; and shall be held and presided over by the Judge of the said, "The Circuit Court of Buncombe, Madison, Haywood and Henderson counties," and he shall have concurrent, equal jurisdiction, power and authority as to said extra terms, as is now vested by law in the Superior Court Judges; and in all other respects the said two terms of said court shall be the same as are the regular terms of the Superior Court of the said county, and have the same authority and jurisdiction and be governed by the same rules of procedure.

Time of such terms.

For civil business only.
To be held by Judge of Circuit Court.

SEC. 4. That whenever requested to do so by the County Commissioners of either of the said four counties mentioned in this act, it shall be the duty of the Judge of the said "The Circuit Court of Buncombe, Madison, Haywood and Henderson counties" to order and hold a special term or special terms of the Superior Court in the county in which he is so requested, for so long as the business may require and at such time as he may designate.

Judge of Circuit Court to hold extra terms of Superior Court when requested by commissioners of county.

Compensation of Judge.

SEC. 5. That the Judge of the said, "The Circuit Court of Buncombe, Madison, Haywood and Henderson counties" shall receive for his services, in addition to the amount provided for him in chapter seventy-five (75) of the acts of 1895, the further

sum of Five hundred dollars per annum, and he shall also receive for each week or part thereof for which he shall hold any term of court provided for by this act, including the said two extra terms for Buncombe county, the same compensation as is now provided for by law for payment of Judges of the Superior Court for holding special terms thereof.

SEC. 6. That section fifteen, of said chapter seventy-five (75) of the acts of eighteen hundred and ninety-five (1895) be amended as follows:

First, by striking out the word "second" in the eighth line thereof and inserting the word "third" instead. Term for Madison county.

Second, by striking out the words "fourth Monday in June," in the eleventh (11) line thereof and inserting instead, the words, "First Monday in July." Term for Haywood county.

Third, by striking out the word "October," in the fifteenth (15) line thereof, and inserting instead the word "September." Term for Henderson county.

SEC. 7. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

And that this act shall be in force from and after its ratification.

In the General Assembly read three times. Ratified this the 25th day of February 1897.

CHAPTER 7.

An act to embrace McDowell county in the criminal circuit now composed of the counties of Buncombe, Madison, Haywood and Henderson.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter (75) seventy-five of the public laws of North Carolina of session (1895) eighteen hundred and ninety-five be amended by inserting in line two after the word Henderson, the word McDowell, and at the end of section one after the word Haywood, the following: and the criminal court of McDowell county shall be held in the town of Marion in the said county of McDowell. McDowell added to Circuit.

SEC. 2. That section (3) three thereof be amended by inserting in line (4) four of said section after the word "Henderson" the word McDowell. Court to be held in Marion.

SEC. 3. That section (4) thereof be amended by inserting in line (4) four after the word "Haywood" the word McDowell. Jurisdiction extended to McDowell.

- County to vote in election of judge. SEC. 4. That section (6) six thereof be amended by inserting in line (3) three thereof after the word Buncombe and before the word "Madison" the word McDowell.
- County to vote in case of vacancy. SEC. 5. That section (7) seven thereof be amended by inserting in line (6) six thereof after the word Buncombe and before the word "Madison," the word McDowell.
- County to vote in election of Solicitor. SEC. 6. That section (9) thereof be amended by inserting in line (3) three thereof after the word Buncombe and before the word "Madison" the word McDowell.
- Clerk of Superior Court.
Clerk of Circuit Court. SEC. 7. That section (11) eleven thereof be amended by inserting in line (2) two thereof after the word "Madison" and before the word "Haywood" the word McDowell.
- Sheriff of county.
Sheriff of Circuit Court. SEC. 8. That section (12) twelve thereof be amended by inserting in line (5) five thereof after the word "county" and before the word "and" the following: and the sheriff of McDowell county shall be the sheriff of the said criminal court of McDowell county.
- County Commissioners to provide jurors. SEC. 9. That section (13) thirteen thereof be amended by inserting in line (2) two thereof after the word "Buncombe" and before the word "Madison," the word McDowell.
- Terms of Court. SEC. 10. That section (15) fifteen thereof be amended by inserting in line (14) fourteen of said section after the word "October" and before the word "and," the following: There shall be two terms of the said criminal court of McDowell county in each year held in the court house in McDowell county on the second Monday in July and on the second Monday in December.
- Transfer of causes to Superior Court. SEC. 11. That section (16) sixteen thereof be amended by inserting after the word "county" and before the word "Madison" the words "McDowell county."
- Jurors for Superior and Circuit Courts. SEC. 12. That section (18) eighteen thereof be amended by inserting in line (8) eight of said section after the word "county" and before the word "and" the following words: "and McDowell county."
- Criminal causes pending in Superior Court to be transferred to Circuit Court. SEC. 13. That section (21) twenty-one thereof be amended by inserting in line (2) two thereof after the word "Madison" and before the word "Haywood" the word "McDowell" and by inserting in line (34) thirty-four after the word "Haywood" and before the "and" the word "McDowell," and by adding to the end of said section provided that the Superior Court of McDowell county at the spring term, 1897, to be held on the first Monday in March, notwithstanding the provisions of this act, may have power and jurisdiction to try and determine and dispose of all criminal cases where the defendants in cases on the docket of said court are in jail awaiting trial, in as full manner as is now allowed by law.
- Proviso.
Jail cases to be tried at March term of Superior Court.

SEC. 14. That section (22) twenty-two thereof be amended by adding to the end of said section the following: And the first term of said criminal court for McDowell county shall be held on the second Monday in July 1897.

When first term held.

SEC. 15. That section (6) six thereof be amended by striking out the word sixteen in line six (6) of said section and insert in lieu thereof the word eighteen.

Compensation of Judge.

SEC. 16. That all fees now allowed by law to the solicitor of the 10th Judicial District, from the county of McDowell or for services rendered therein shall not be allowed after the ratification of this act, except in cases which he prosecutes under the provisions hereof.

Fees of Solicitor.

SEC. 17. That all laws and clauses of laws in conflict herewith are repealed.

SEC. 18. That this act shall be in force from and after its ratification.

In General Assembly read three times and ratified, this the 26th day of February, 1897.

CHAPTER 8.

An act to amend chapter 75, acts 1895.

The General Assembly of North Carolina, do enact :

SECTION 1. That section 15 chapter 75 Acts 1895 be amended by striking out the words "whenever it shall seem necessary to him to order the same" and insert instead thereof the words, "whenever the Commissioners of any County in the said district, shall request him to call such term" and to add at the close of the said section the words, "The compensation of the said Judge, to be paid as Superior Court Judges are now paid by the Commissioners of such County, requesting such special Term to be held."

Special terms of Court to be held on request of commissioners of county.

How compensation of Judge for special terms paid.

SEC. 2. That the Governor of the State is hereby empowered to direct the Judge of the said District to hold special terms of the Court for the trial of criminal causes where in his judgment such special terms are necessary in any County of the State; The compensation of the said Judge to be that allowed to Judges of the Superior Court for holding special terms, and to be paid by the Counties for which such special terms are ordered held.

Judge to hold special terms in any county on order of Governor.

Compensation of Judge and how paid.

SEC. 3. That this Act shall go into effect from and after its ratification.

In the General Assembly read three times, and ratified, This 23d day of February 1897.

CHAPTER 9.

An act fixing the time of holding the superior courts in the Fifth Judicial District.

The General Assembly of North Carolina do enact :

Terms of courts
of 5th Judicial
District.

SECTION 1. That the Superior Courts for the counties in the fifth Judicial district shall be begun and held each year at the times following, and for the trial of criminal and civil actions, and for the terms as herein prescribed to wit :

Durham county.

Durham—Third Monday before the first Monday in February to continue for two weeks for the trial of criminal and civil actions; Seventh Monday after the first Monday in February, to continue two weeks for the trial of civil actions only; Fourteenth Monday after the first Monday in February, to continue one week, for the trial of criminal actions only; Third Monday before the last Monday in September, to continue one week, for the trial of criminal actions only; First Monday after the last Monday in September, to continue for two weeks, for the trial of civil actions only. That all process in civil causes, issued and served ten days before any of the terms herein provided for Durham County, shall be returnable to such term, whether such term be for the trial of civil or criminal actions.

Civil process
returnable to
any term.

Granville county

Granville: First Monday before the first Monday in February; Eleventh Monday after the first Monday in February; Ninth Monday before the last Monday in September; Eighth Monday after the last Monday in September, each term to continue two weeks, and be for the trial of both criminal and civil actions.

Chatham county.

Chatham: First Monday after the first Monday in February one week; Thirteenth Monday after first Monday in February one week; First Monday before the last Monday in September, two weeks, each term to be for the trial of both criminal and civil actions.

Guilford county.

Guilford: Second Monday after first Monday in February, two weeks; Seventeenth Monday after first Monday in February, to continue for three weeks, but no civil action shall be tried by jury the first week, unless by consent of all parties concerned; Fifth Monday before last Monday in September two weeks; Tenth Monday after the last Monday in September, two weeks. The said terms shall be for the trial of both criminal and civil actions.

No jury case to
be tried in first
week of second
term, except by
consent.

Alamance
county.

Alamance: Fifth Monday after the first Monday in February; Fifteenth Monday after the first Monday in February; Second

Monday before the last Monday in September; Sixth Monday after the last Monday in September. These terms shall continue for one week each, and shall be for the trial of both criminal and civil actions, except the term beginning on the second Monday before the last Monday in September, at which civil actions alone shall be tried.

Orange: Sixth Monday after the first Monday in February; Orange county. Sixteenth Monday after the first Monday in February; Seventh Monday before the last Monday in September; Fifth Monday after the last Monday in September. These terms shall continue for one week each, and shall be for the trial of both criminal and civil actions, except the term beginning on the sixteenth Monday after the first Monday in February, at which civil actions alone shall be tried.

Caswell: Ninth Monday after the first Monday in February; Caswell county. Third Monday after the last Monday in September. The terms to continue for one week each, and be for the trial of both criminal and civil actions.

Person: Tenth Monday after the first Monday in February; Person county. Sixth Monday before the last Monday in September; Seventh Monday after the last Monday in September. These terms shall continue for one week each, and be for the trial of both criminal and civil actions.

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.

In the General Assembly read three times and ratified this 1 day of March 1897.

CHAPTER 10.

An act to extend the time to compromise, commute and settle the state debt.

The General Assembly of North Carolina do enact:

SECTION 1. That section eleven, chapter ninety-eight of the laws of eighteen hundred and seventy-nine, being an act to compromise, commute and settle the State debt, ratified the fourth day of March eighteen hundred and seventy-nine, is amended by striking out the word "eighty-two" in the last line of said section, eleven, and inserting the word "ninety-nine," so as to extend the time at which said act shall expire to

Act to expire 1st
January 1899.

Collection of
bonds not funded
to be resisted.

January first, eighteen hundred and ninety-nine, and the Governor is directed to resist the collection of all such bonds as are not funded by the time above specified.

Matured coupons
on funding bonds
to be cut off and
cancelled.

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.

Treasurer to
make advertise-
ment.

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.

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

In the General Assembly, read three times and ratified, this 26 day of February, 1897.

CHAPTER 11.

An act to amend the laws relating to superior courts of Craven county.

The General Assembly of North Carolina do enact:

Certain terms for
trial of civil
causes only.

SECTION 1. That the terms of the Superior Court of Craven County which are held on the fourth (4th) Monday before the first (1st) Monday in March, the ninth (9th) Monday after the first (1st) Monday in March, and the ninth (9th) Monday after the last Monday in September, shall be for the trial of civil causes only.

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

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

In the General Assembly read three times and ratified this 2 day of March, 1897.

CHAPTER 12.

An act to provide for working the public roads and highways
of Macon county.*The General Assembly of North Carolina do enact :*

SECTION 1. That all roads that have been laid out, appointed or established by virtue of any act of the Assembly, or any order of court are hereby declared to be public roads. And the Justices of the peace in each township shall meet annually in some place to be agreed upon by themselves on the first Saturday in May and elect three of their number to have supervision and control of the public roads in their respective townships, who are hereby incorporated, and the Board of Trustees of such township shall be their corporate name. They shall have the right to sue and to be sued; plead and be impleaded in any of the courts of this State. The Board of Township Trustees and the Board of County Commissioners, as hereinafter set forth in this chapter, shall have full power and authority to appoint and settle ferries, and to order the laying out and repairing of public roads when necessary; to appoint where bridges or bridges and fords shall be made; to discontinue such roads and ferries as shall be found useless and to alter roads so as to make them more useful.

Roads established by act of assembly or order of court public roads.

Justices to elect Supervisors annually. Supervisors incorporated.

Corporate name.

Joint powers of Justices and County Commissioners.

SEC. 2. The Board of Township Trustees shall meet in some place in their respective Townships to be agreed upon by themselves, or in the absence of such agreement to be named by their chairman on the first Saturday of May and November, and at such other times as a majority of them may deem advisable. They shall keep a record of their proceedings, and shall annually at their meeting elect one of their number chairman. The Board of Trustees shall be exempt from four days labor on the public roads. It shall be the further duty of the Trustees to examine into the condition of the public roads and highways of their respective townships, at least twice in each year, and make a report of the condition of said roads and highways, and present said report at the Spring and Fall Terms to the Judge of the Superior Court, who shall transmit said report to the Solicitor, with such instructions as he may deem proper; that each and every chairman of County Commissioners, Board of County Commissioners, Justices of the Peace or Board of Township Trustees or Supervisor who shall neglect or refuse to perform the several duties enjoined by this act shall be guilty of a

Meetings of Trustees.

Record to be kept and chairman elected. Exempt from 4 days work on road.

Further duty of Trustees.

Misdemeanor. Penalty.	misdemeanor, and on conviction thereof shall be fined or imprisoned, or both in the discretion of the court, and it is hereby made the duty of the Solicitor to prosecute said offense.
Duty of Solicitor.	SEC. 3. That the Township Trustees of the several Townships in the County of Macon shall on the first Saturday of May next, or within twenty days thereafter, divide their respective townships into suitable road districts, of not less than twenty miles, unless in their judgment smaller road districts would be more advantageous, and annually thereafter may make such alteration therein as they may deem proper and cause a brief description thereof to be made on the township records, and also furnish each Supervisor with a plot of his road district ; <i>Provided</i> , There shall be at least one Supervisor to each township. The Trustees of each township, at their May meeting, and annually thereafter, shall elect one Supervisor for each road district, and each Supervisor who refuse or neglect to qualify and serve shall forfeit and pay the sum of ten dollars and costs to be collected by the Township Trustees in action of debt. Money so collected shall go into the road fund of the township, and be credited to the proper road district. That when any vacancy shall occur in the office of Supervisor by death, resignation or otherwise, the Trustees of the township, wherein such vacancy occurs shall appoint some suitable person to fill the vacancy.
Townships to be divided into road districts.	
Proviso. Supervisor to be elected for each district.	
Penalty for failure to qualify and serve. How penalty disposed of.	
Vacancies.	
Road bed.	SEC. 4. The road bed shall not be less than twelve feet wide, and when practicable shall be at least sixteen feet wide, and in opening new roads not more than five jurors shall be summoned or required, and no road hereafter laid out or established shall be a greater grade than six feet in one hundred, unless in case the jury appointed shall not be able to determine such grade for the road proposed ; then it shall be the duty of the chairman of the Board of Township Trustees to employ a competent civil engineer to assist the jury in laying out such road ; and if in his judgment such grade is not practicable, they shall proceed to make the best grade possible, <i>provided</i> , no public road shall be laid out, or established of a grade exceeding eight feet to the hundred ; and it shall be the duty of each and every Supervisor to open or cause to be opened all public roads and highways which shall have been, or may hereafter be laid out and established in his road district ; to keep the same in repair, and remove or cause to be removed all obstructions that may from time to time be found therein ; for which purpose the Supervisors are hereby authorized to enter upon any uncultivated lands or improved lands unencumbered by crops, near to or adjoining such roads, to cut and carry away timber, except trees as
Grade.	
Civil engineer to be employed.	
Proviso. No grade to exceed 8 feet to 100. Duties of supervisors.	
Powers of supervisors.	

grown on improved land, planted or left for ornament or shade; to dig or cause to be dug and carried away any gravel, sand or stone, which may be necessary to make, improve or repair said road, and to enter on any lands adjoining or lying near the road, to make such drains or ditches through the same as he may deem necessary for the benefit of the road, doing as little injury to said lands or the improvements thereon, and timber as the nature of the case and the public will permit; and the drains and ditches so made shall be conducted to the nearest water course or waste ground, and shall be kept open by such supervisor, and shall not be obstructed by the owner, or occupier of said lands, or any other person or persons having the same in charge, under the penalty of forfeiting a sum not exceeding ten dollars for each and every offense, to be collected by the Supervisor, and paid over by him to the Township Trustees and applied by them to the road fund of the township.

Land owners not to obstruct ditches.

Penalty.

SEC. 5. That all able-bodied male persons, and male persons able to perform, or cause to be performed the labor herein required between the ages of eighteen and forty-five years, except persons permanently disabled in the military service of this State and exempted by the County Commissioners and Board of Township Trustees of the Township in which he resides, shall be liable annually to do and perform six days' labor on the public roads and highways under the direction of the Supervisor of the road district in which he shall reside, *provided*, further, that if any person who shall be liable to do, or perform said six days' labor as herein provided shall pay to the Supervisor in whose district he may reside, the sum of four dollars and fifty cents (\$4.50), the same shall be received in lieu of the six days' labor, and shall be applied by the Supervisor receiving the same to the informant of the roads of his district, and accounted for as hereinafter provided.

Persons liable to road duty

Proviso.
Commutation.

SEC. 6. That it shall be the duty of every Supervisor to order out every such person resident as aforesaid, between the fifteenth day of January, and the fifteenth day of December, annually, to do and perform the work aforesaid on the public roads within the district, and if any such resident being personally warned by such Supervisor, or by leaving a written notice at his usual abode shall refuse or neglect, having had at least two days' notice, to attend by himself, or an able-bodied substitute acceptable to the Supervisor with such tools as the Supervisor may direct or having attended shall refuse to obey the directions of the Supervisor, or shall spend the time in idleness, or inattention or neglect of duties assigned him, every such delinquent shall forfeit and pay the sum of one dollar for every

Supervisors to order out road hands.

Penalty for failure to attend and work.

	such offense, and shall further be liable in all cases of non attendance to the amount of six days work, to be recovered by action before any Justice of the peace of the proper township, at the suit of the Supervisor, within whose district he may reside, and also be guilty of a misdemeanor, and fined not exceeding five dollars, nor less than two dollars and all costs of action, or imprisoned not exceeding five days, nor less than two days, at the discretion of the court and the money so collected shall be applied by said supervisor to the improvement of the roads in his district, and accounted for by him at the annual settlement with the township Trustees, <i>provided</i> , that no person shall be released from the performance of labor on the public roads and highways by reason of the neglect of any Supervisor to order out such person, on or before the fifteenth day of December as hereinafter provided.
Misdemeanor.	
Penalty.	
Penalties applied to road improvement.	
Proviso. Road hands not released by neglect of supervisor.	
Persons removing from one district to another credited with work already done.	SEC. 7. That in case any person shall move from one district to another, who has prior to such removal performed the whole or any part of the labor aforesaid, or in any other way whole or any part of the amount aforesaid in lieu of such labor, and shall produce the certificate of the same from the Supervisor of the proper district, and such certificate shall be a complete discharge for the amount therein specified.
Persons liable to road duty to appear and work.	SEC. 8. That any person called upon to perform any labor upon the public road under any of the provisions of this act, shall by himself or substitute appear at the time and place appointed by the Supervisor, with the implements directed, and shall work as required by this act, <i>provided</i> , That no hand shall be required to work for a less time than eight hours, nor a longer time than ten hours for a day's work.
Proviso. Day's work.	
Residence defined.	SEC. 9. That for the purpose provided for in the preceding section of this act, the residence of any person, who has a family shall be held to be where his family resides, and the residence of any other person shall be held to be where he boards, in any road district in the county embraced in this act.
Supervisors to collect fines, forfeitures and penalties.	SEC. 10. That the several Supervisors within their respective districts shall collect by suit or otherwise, all fines, forfeitures and penalties arising and accruing under the provisions of this act, unless the collection thereof is otherwise herein provided for, and they are hereby authorized and required before their settlement with the Township Trustees to prosecute to final judgment all persons neglecting or refusing to comply with the provisions of this act, from whom such fines, forfeitures or penalties, in the opinion of the Supervisor can be collected by execution, and the said judgments if not paid, together with the costs thereon, shall remain and be in force against the judgment debtor as other judgments at law.
Judgments.	

SEC. 11. That the several Supervisors shall expend all moneys by them collected for the benefit of the roads and highways in their respective districts, and every Supervisor is hereby required to account to the township Trustees at the annual settlement for all moneys expended under this act, and they shall also return a full and true list and statement of the names of all persons within their respective districts who have been ordered out to perform the six days labor as required by this act, and of those who have refused or neglected to perform the same; and all fines and forfeitures sued for and recovered under the provisions of this act shall be paid over on demand by the Justice of the peace or constable collecting the same to the Supervisor of such road district wherein such fines or forfeitures accrued; and the several Supervisors shall also render an account to the township Trustees at the annual settlement of all moneys that remain in their hands at the time of the settlement; also all judgments that remain unpaid, and the name of the judgment debtor, and the Justices of the peace before whom such judgments were obtained with the amount thereof, and the township Trustees shall make such order as to the prosecution of the suits by the Supervisor of the proper district against such delinquent as in the judgment of the Trustees the interest of the Township may require or demand.

Supervisor to expend collections.

To account and report annually.

SEC. 12. That all the moneys that remain in the hands of the Supervisor at the time of the annual settlement with the Trustees shall be paid over to his successor in office, as soon as such successor shall be elected and qualified, taking a receipt therefor, and deposit said receipt with the township Trustees. It shall be lawful for any Supervisor to sue out executions on any judgment that remains unpaid within his proper district, at any time when in his opinion the same can be collected and the money so received and collected shall be expended as provided in the foregoing section.

Supervisor to pay the money remaining on hand to successor.

Supervisors may sue out executions.

SEC. 13. That the Supervisors of roads and highways, in the county named in this act, be and they are hereby authorized to construct foot bridges over streams of water on said highways.

Foot bridges.

SEC. 14. That each Supervisor within his district shall erect and keep up at the expense of the township at the forks of roads or cross roads of every State and county road, a post and guide or finger board containing an inscription in legible letters, directing the way and distances to the town or towns or public place or places situated on each road respectively.

Guide boards.

SEC. 15. That if any person shall wilfully demolish, throw down, alter or deface any guide or finger board, every person so

Penalty for injury to guide boards.

offending shall upon conviction thereof before any Justice of the peace of the county, be fined in a sum not exceeding ten dollars and costs of suits, and may be deemed guilty of a misdemeanor, and imprisoned not more than ten; and the money when collected, shall be by the Justice of the peace collecting the same paid over to the Supervisor in whose district the offense was committed, and be by him applied to the repair of the roads and highways within his district.

Fines to be applied to roads.

Trustees to furnish blasting and road tools.

SEC. 16. That the township Trustees of the several townships of Macon County are hereby empowered and authorized to furnish blasting material and blasting tools, road plows, scrapers, and such other tools, as in their judgment the road interests of their respective townships require, and to pay for the same out of any money in the township treasury, not otherwise appropriated. The township Trustees shall take a receipt from each Supervisor for such implements and material as they may deliver to him, showing the number, kind and condition thereof, and such supervisor shall be liable for any injury or damage that may result to such implements or material, or to any of them by improper use thereof or by unnecessary exposure to the weather, during the time the same may be in his possession, and he shall on the first Saturday of May annually, return the same to the said township Trustees.

Supervisors to receipt for materials and tools.

Supervisors liable for injury or damage.

Tools to be returned annually.

How liability of Supervisor enforced.

The amount for which such Supervisor shall be liable for such improper use or neglect may be recovered by action in the name of the township Trustees.

Road and bridge tax.

SEC. 17. That the Board of County Commissioners of Macon county, are hereby authorized and directed to levy and assess at the June session of their Board, annually for road and bridge purposes, not less than five cents (5c.) nor more than fifteen (15c.) cents on each one hundred dollars worth of real and personal property, and not less than fifteen (15) cents, nor more than forty-five (45) cents on each taxable poll, observing the constitutional equation between property and poll; and the chairman of the Board of County Commissioners shall place the same on the tax list of the current year to be included and collected in the annual taxes. That if the Trustees of any township shall deem an additional road tax necessary, they shall determine the per centum to be levied upon the taxable property and polls of their respective townships, and shall certify the same in writing to the Board of County Commissioners at their June session, who shall levy and assess a special tax, not exceeding ten (10) cents on each one hundred dollars worth of real and personal property, and thirty cents on each poll, and

Additional township taxes.

the Commissioners shall levy and assess the same, and the same shall be collected as other taxes and paid out as herein provided.

SEC. 18. That the Chairman, of the Board of County Commissioners, within thirty days after their June session, shall notify the Chairman of each Board of township Trustees of the amount levied and assessed for road purposes in each township, and that the said tax may be discharged by labor on the roads under the direction of the Supervisors of the several districts, and shall within sixty days from said June session, make out a list of the names of each tax payer, of the amount of road tax with which he stands charged, and transmit the same to the Supervisor of the proper district.

Chairman of
County Commis-
sioners to notify
Trustees.

SEC. 19. That any person charged with a road tax may discharge the same by labor on the public highways within the district, when the same is charged, by attending at the time and place and with such tools as may be designated by the Supervisor of the road district. Any person performing labor as herein provided in payment of road taxes, shall be allowed seventy-five cents for each day's labor performed acceptably to said Supervisor, and a rateable allowance per day for any team, implements and material furnished by any person under the direction of the Supervisor of such district, who shall give to such person a certificate specifying the amount of tax so paid, and the district and township, wherein such labor was performed, which certificate shall in no case be given for any greater sum than was charged against such person, and the county sheriff shall receive all such certificates as money in the discharge of said road tax, but the Supervisor of any road district, provided for in this act, shall not be required to accept or superintend labor in payment of any road tax as in this section provided, unless said labor shall be performed prior to the first day of December of the year in which said road tax was levied and assessed. The township Trustees in determining the division of this fund shall be governed not by the miles of road in each district, but by the necessities of the roads, the costs of making repairs, the convenience of obtaining material, the quantity of material necessary to make substantial repairs, etc., and make a just and equitable division of said fund between the several districts in the township.

Road tax dis-
charged by labor
on road.

Compensation
allowed.

Certificates of
road work
receivable for
road tax.

Work to be done
before 1st De-
cember.

Apportionment
of road fund.

SEC. 20. That each and every Supervisor who shall neglect or refuse to perform the several duties required of him by this act, or who shall, under any pretense whatever, give or sign any receipt or certificate purporting to be receipt or certificate for labor in work performed or money paid, unless the labor shall

Supervisor
neglecting or
refusing to dis-
charge duties;
Or giving false
certificate;

Or failing to account to Trustees :	have been performed, prior to the giving or signing of such receipt or certificate or shall fail or refuse to account to the township Trustees for any money which may have come into his hands, belonging to the road fund of the township, or shall enter into any collusion or combine with any person or persons who shall be liable to perform labor on the public roads, or pay road tax, whereby the intent and purpose of this act may be evaded or defeated or permit or allow any person in the performance of road labor in payment of the six days required by this act, as in the discharge of road tax, to spend the time in idleness or any inattention to duties assigned him, or permit the use of worthless or inefficient tools, shall be guilty of a misdemeanor, and upon conviction before any Justice of the peace, shall forfeit and pay for every such offense, the sum of not less than five dollars, nor more than fifty dollars, and in the discretion of the township Trustees, said Supervisors may be removed, and the vacancy filled by the said Trustees, <i>provided</i> , that if either party conceive himself aggrieved by the judgment of said Justice of the peace, he may on giving bond with sufficient security to said Justice of the peace for payment of cost, appeal to the Superior Court, who shall make such therein as may appear just and reasonable. It is hereby made the duty of the Township Trustees to strictly enforce the provisions of this act, and prosecute all offenses against the provisions of the same.
Or combining with any person to evade road duty ;	
Or permitting road hands to be idle.	
Or permitting use of worthless tools.	
Guilty of misdemeanor.	
Penalty.	
Proviso.	
Appeal.	
Duty of Trustees.	
Supervisor taking timber or stone to give certificate.	SEC. 21. That each and every Supervisor who shall cut and take any timber or stone for the purpose of making or repairing any road, bridge or crossway within his district, shall on demand of the owner of the lands, their agent or agents or the guardian of any ward, or the executor, administrator or commissioner having lands in charge, from which timber or stone was taken as aforesaid, shall give a certificate showing the quantity of such timber or stone with the presumptive value thereof respectively, and the time and purpose for which the same was taken.
Certificates to be presented to Trustees.	SEC. 22. That any person or persons who shall receive a certificate, as in the foregoing sections provided, shall within sixty days from the date thereof present the same to the township Board of Trustees, who being satisfied the amount claimed is just and equitable, shall cause the same to be paid out of any moneys of the road fund of the township not otherwise appropriated ; but if not so satisfied they shall determine what sum in their judgment would be just and fair, and order the same paid as herein before provided.
Compensation of Supervisors.	SEC. 23. That each Supervisor shall receive for his services one dollar per day, for the time actually employed on the roads,

deducting the commutation for his six days' labor. Supervisors, having charge of not more than twenty-five persons, shall not receive more than six dollars in any one year, *provided*, the Board of Township Trustees may allow greater compensation to Supervisors in case of damage to road resulting from natural causes or when in their judgment the public interest will best be subserved by establishing large road districts, but in no case shall a greater compensation than one dollar per day be allowed to any Supervisor for the time such Supervisor was actually and diligently employed on the road or roads within his road district, and he shall be paid out of the road fund belonging to the township wherein the services were performed.

Proviso.
Trustees may
increase compensation.

SEC. 24. That at any time during the year, when any public highway shall become obstructed, it shall be the duty of the Supervisor of the district in which said obstructions exists forthwith to cause the same to be removed, for which purpose he shall immediately order out such number of persons liable to do work, or pay tax upon the public highways of his district, as he may deem necessary to remove said obstructions. If the person or persons then ordered out shall have performed their six days' labor upon the public highways, and paid their road tax for the current year, the Supervisor shall give to such person or persons a certificate for the amount of labor performed, and said certificate shall apply on the labor or tax that may be due from such person or persons the ensuing year.

Supervisors to
remove obstructions
to roads
immediately.

SEC. 25. That the Board of Township Trustees shall annually at their May session elect one of their number Treasurer who shall be styled Treasurer of the Board of Township Trustees; he shall enter into bond in such sum as the township Trustees shall designate, which in no case shall be less than double the amount of road tax levied for said township. It shall be his duty to receive all moneys due to said township from the Sheriff, or tax collector, or from any other source, and not later than the 15th day of December of each year make final settlement with the Sheriff or tax collector of the county, and demand of him all sums of money due to the road fund of said township, together with a list of the certificates of each road supervisor of the township for labor performed on the roads in payment of road tax as provided in section 19 of this act. He shall carefully compare each certificate with the tax list in possession of the Sheriff, or tax collector, and note any discrepancy therein, and shall file the same in his office. He shall also make annual settlement with the road Supervisors of the township and when approved by the Board of Township Trustees; pay to each of said Supervisors such sum or sums as may be due, taking a

Trustees to elect
Treasurer.

Duty of Treasurer.

To settle annually.

receipt therefor. He shall keep a book in which shall be recorded all the moneys coming in his possession by virtue of his said office as Treasurer, and shall clearly show the sources from which the same were received, passing his receipt therefor; he shall also show to whom and for what purpose said moneys were paid out, taking receipt for the same, and he shall annually make settlement with the township Board of Trustees, and exhibit to said Board his books, and all vouchers in his possession, and for any violation of the provisions of this statute he shall be liable and subject to the same fines and penalties as County Treasurers.

Act not to apply to incorporated towns.

SEC. 26. That nothing herein contained shall change the present method of keeping up roads and streets in incorporated towns, and none of the moneys collected under the provisions of this act shall be applied to the same, and that no person liable to road or street duty in such towns shall be subject to work the roads outside the corporate limits of the same.

Secretary of state to furnish copies of law.

County Commissioners to furnish books and blanks.

SEC. 27. That the secretary of state shall not later than the first day of May, of the present year, furnish the Register of Deeds of Macon county with two hundred and fifty copies of this act, for the use of the Supervisors and township Trustees, and the Board of County Commissioners shall furnish all necessary books and blanks for the use of the road Supervisors and township Trustees.

Additional special tax.

SEC. 28. That in addition to the "township tax" above provided for the County Commissioners of Macon county are hereby authorized and fully empowered to levy a special tax on all taxable property and poll in said county for the year eighteen hundred and ninety-seven (1897) and each year thereafter of not more than six cents on the one hundred dollars' worth of property and eighteen cents on each poll to be used for the following purposes to wit: to pay the debt contracted for repairing the jail, and for the fire-proof vaults, the iron bridges across Tennessee River and for other indebtedness of the county. Said County Commissioners may also use from year to year such an amount of the money arising under this section as may in their judgment be necessary to supplement the labor and money heretofore and herein provided for, in such manner as they may deem most beneficial to keep in good repair such portions of the western turnpike road in said county as cannot be kept in good condition by the said labor and money heretofore provided for in this act. If said Commissioners shall wilfully fail or refuse to comply with the provisions of this section they shall be guilty of a misdemeanor; provided nothing herein contained shall be construed to exempt also from liability the

How tax applied.

Penalty on Commissioners for failure to act.

trustees or Supervisors for a failure to do their whole duty in their respective districts along said road. All money arising under this section shall be collected and accounted for as other tax, state and county.

Proviso.
Trustees not relieved.

SEC. 29. This act shall apply only to Macon County.

SEC. 30. All laws and clauses of laws in conflict with this act are hereby repealed.

Law of 1895 repealed.

SEC. 31. This act shall be in force from its ratification.

In General Assembly read three times and ratified this day of February, 1897.

CHAPTER 13.

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 one hundred and sixty (160), public laws of one thousand eight hundred and ninety-five (1895), be, and the same is hereby repealed.

SEC. 2. That any resident of this State desiring to take or catch oysters, with hand-tongs, or 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, Craven, Onslow 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 hand-tongs, rakes, scoops, or dredges, as set forth in this act: *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 December to the first day of May in any year.

License to residents for taking oysters.

What license shall state.

Proviso.
Scoops, rakes and dredges.

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

Applicants for license to take oath.

Form of oath.

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 violate any of the laws of the regulations of the State for the government of the public oyster grounds, or the natural oyster beds, so help me God."

Clerk of Superior Court to issue license.

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 beds of the State in manner and form as follows:

Form 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 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 Superior Court, county, State of North Carolina.

Oath and 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 for issuing the license 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 hereinafter provided, except the license issued to hand-tongers, which shall be the clerk's fee of twenty-five cents on each tonger.

Fee of Clerk.

Proviso.
License not to issue until tax paid.

Tax on boats and vessels.

Clerk of Superior Court to collect.

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, without decks, using rakes, or scoops or dredges, and under custom house tonnage, shall pay a license tax of five dollars. All boats,

canoes, or vessels, or other craft, with deck, using rakes, or scoops, or dredges, and under custom tonnage, shall pay a license tax of ten dollars; and all boats, canoes, vessels or other craft, subject to custom house tonnage, shall pay a tax of three 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; *Provided*, that no vessel over thirty 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 first day of January, 1897, 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 in the waters of this State.

SEC. 5. That 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 license issued, and an account of all moneys received, and, at the same time remit to him all funds derived through the issuing of said license, together with the taxes on boats, vessels and other crafts, licensed under the provisions of this act as herein 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: *provided*, that nothing in this section shall permit the use of any instrument, implement or tool other than ordinary hand tongs in that part of Pamlico Sound, North and East of a line drawn from Long Shoal Point to Gull Island, during the months of February, March and April in any year. Any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than one thousand dollars, and not more than five thousand dollars, and imprisonment 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.

Employees to be licensed.

Proviso.
Vessels over 30 tons or steam vessels not to use scoops or dredges.

Proviso.
No boats not property or residents of State to be licensed.

Clerks to report to State Treasurer monthly.

And remit funds collected under this act.

What implements may be used.
Proviso.

As to parts of Pamlico Sound.

Misdemeanor.
Penalty.

Dealers in oysters to make monthly returns.

Tax on purchases.

Commission of Clerk.

Returns forwarded to chief inspector.

Proviso.
As to person taking oysters for their own consumption.

Proviso.
Rebate allowed resident canners.

Oysters to be culled.

Shells and small oysters to be returned to bed.

Proviso.
As to oysters taken for planting.

Proviso.
Oysters not to be taken from 1st May to 1st December except with tongs.

How oysters measured.

Dimensions of measure.

SEC. 7. All persons purchasing oysters for packing, shucking, shipping or for sale, shall, on the first of each month, file with the deputy inspector 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, or gallon, on each bushel or gallon, and the Clerk of the Court shall retain one-half of one per cent. commission of the fund thus derived, also one-half of one per cent. commission from the license and tonnage tax collected; and the deputy inspector shall forward to the chief inspector the statement filed with him by the party purchasing and paying said tax; *Provided*, that the provisions of this act shall not apply to any persons who take oysters for their own immediate consumption; *Provided, further*, that all persons canning oysters in this State, after having paid the tax of two cents per bushel, shall be entitled to a rebate of one cent per bushel.

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 shells measure less than two and one-half inches in length, from hinges 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 December, in any year, except with ordinary tongs.

SEC. 9. All oysters measured in this State, in the shell, 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. All boats and vessels engaged in dredging shall display on the port side of the jib, above reef and bonnet, and on the opposite side of the mainsail, above all reef points, 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.

Oyster boats to display initial of county and number of boat.

Proviso.
As to U. S. navigation laws.

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 an approval by the chief 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."

Governor may suspend use of dredges.

SEC. 12. That for the better enforcement of this act, the Governor, upon the passage of this act, shall appoint a chief inspector who shall hold office during the term of four years, and until his successor is appointed 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 and 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 measures are used.

Governor to appoint Chief Inspector.

Duties of Inspectors.

Deputy inspectors.

SEC. 13. The chief inspector shall receive a salary of (\$75.00) seventy-five dollars, per month, and actual traveling expenses, payable on the last day of each month, by the said

Pay of Chief and Deputy Inspectors.

treasurer, and each deputy inspector fifty dollars per month, payable in the same manner, and all payments shall be made from the oyster fund.

Money transferred to public school 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 last day of November in each year, shall be transferred by him to the public school fund of the State.

Deputy inspectors to pay over receipts monthly

SEC. 15. Deputy inspectors shall turn over all moneys they receive, through the provisions of this act, 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 (\$500.00), 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.

Inspectors to give bond.

State Treasurer to provide forms.

Inspectors to report monthly.

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 name of the owner or the master of the vessel carrying the 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.

Chief Inspector to assume control of public steamer.

SEC. 17. The chief inspector of shell-fish shall assume control of the State police steamer Lillie, and provide for her safe keeping at the port of New Bern, when not in use, and the expenses of keeping and using said steamer shall be paid out of any money belonging to the oyster fund. Should it become necessary at any time for the enforcement of the law, upon the application of the chief inspector made to the Governor for troops, the Governor shall upon such application, furnish such troops from the State Guard or Naval Reserves as may be needful to arm said steamer, to enable said chief inspector to enforce said oyster law.

Troops to be furnished by Governor on application of inspector.

Chief or deputy inspectors may have canal bridges closed when necessary to prevent escapes of vessels violating law.

SEC. 18. That in case of any vessel or steamer taking, or attempting to take oysters in any quantity from this State to another State, without first having had said oysters inspected, it shall be lawful for, and the duty of the chief inspector, or either of the deputy inspectors, to have the bridge at Coinjock, across the Albemarle and Chesapeake canal, in Currituck county, and the bridge across the Dismal Swamp canal, at South Mills in Camden county, shut or closed, so that said ves-

sel or steamer may be stopped until the oysters on board said vessel or steamer can be inspected properly, and the tax thereon collected. All such vessels or steamers shall not only be liable for the tax due on all oysters found on board of such vessel or steamer, but in addition thereto, shall be liable for all costs and expenses incurred by reason of such stoppage, and upon refusal to pay said tax and cost may be seized and sold by said chief inspector, or either of his lawful deputies to satisfy said charges, upon first giving ten days notice at the Court House door in said counties of Currituck or Camden, and three other public places in said counties, said sale to be made in Coinjock, or South Mills, on the first Monday of any month, at the hour of 12 o'clock M., and the purchaser at such sale shall acquire a perfect title to said vessel or steamer so sold. Should there be any surplus, after first paying the tax due, and all expenses incurred by reason of such seizure and sale, including costs of making title to the purchaser, the inspector making such seizure or sale, shall pay said surplus to the owner of said vessel or steamer, or his or her legal representative.

Penalty on vessels evading law.

SEC. 19. The chief inspector shall furnish the clerks of the Superior Courts mentioned in this act, and the deputy inspector appointed by him, with a suitable receipt book, containing stubs and receipts, each properly numbered, which receipt book shall be used by said clerks and deputy inspectors in receipting for the payment of all taxes and license required under this act. The chief inspector shall require the said clerk and deputy inspectors to whom such books have been furnished, to account to him for the same in a monthly statement, on the last day of each month, said statement shall give the name of the person paying the tax, the amount paid, the number of bushels or gallons, and the number of the receipts given for such payment.

Chief inspector to furnish receipt books.

To require monthly statements.

What statement to contain.

SEC. 20. Any person or persons violating 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.

Violation of act a misdemeanor.

Penalty.

SEC. 21. That no part of this act shall be construed to allow dredging in Carteret county, and Bay River, Pamlico county.

Dredging not allowed in Carteret county and Bay River, Pamlico county.

SEC. 22. All laws and parts of laws in conflict with this act are hereby repealed.

SEC. 23. This act shall take effect on and after the day of its ratification.

In the General Assembly read three times and ratified this 23d day of February, 1897.

CHAPTER 14.

An act to repeal chapter four hundred and sixty-six, laws of one thousand eight hundred and ninety-five, entitled "An act to regulate assignments and other conveyances of like nature in North Carolina."

The General Assembly of North Carolina do enact:

Chapter 466)
Laws 1895, repealed.

SECTION 1. That chapter Four hundred and eighty-six, Laws of one thousand eight hundred and ninety-five, "An act entitled an act to regulate assignments and other conveyances of like nature in North Carolina" be and the same is hereby repealed.

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

In the General Assembly read three times and ratified this 20th day of January 1897.

CHAPTER 15.

An act for the relief of A. H. Elmore, former tax collector for the town of Bryson City, North Carolina.

The General Assembly of North Carolina do enact:

To collect arrears of taxes for 1894, 1895, 1896.

SECTION 1. That A. H. Elmore, former Tax Collector for the town of Bryson City, North Carolina, is hereby authorized and empowered to collect all arrears of taxes due from all persons resident and owning property in the town of Bryson City, North Carolina, as levied for the years 1894, 1895, and 1896 under the rules and regulations as or may be provided for the collection of taxes in said town of Bryson City.

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

In the General Assembly read three times and ratified this 29th January, 1897.

CHAPTER 16.

An act to repeal Chapter 379, Public Laws of 1895, relating to ranging stock in Graham county.

The General Assembly of North Carolina do enact:

Act repealed.

SECTION 1. That chapter 379, public laws of 1895, relating to the ranging of stock in Graham County be repealed.

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

In the General Assembly read three times, and ratified this 2nd day of February, 1897.

CHAPTER 17.

An act for the relief of J. F. Teague, sheriff and tax collector for Swain county, North Carolina.

The General Assembly of North Carolina do enact :

SECTION 1. That J. F. Teague, Sheriff and Tax Collector for Swain county, North Carolina, is hereby authorized and impowered to collect all arrears of taxes due from all persons in Swain county, North Carolina, as levied for the years 1893, 1894, 1895 and 1896, under the rules and regulations, as or may be provided by law for the collection of taxes. To collect arrears of taxes for 1893, 1894, 1895, 1896.

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

In the General Assembly read three times, and ratified, this 29th day of January, 1897.

CHAPTER 18.

An act to pay R. M. Vestal money due by Randolph county for teaching District School No. 64.

The General Assembly of North Carolina do enact :

SECTION 1. That the treasurer of Randolph County be and is hereby authorized to pay R. M. Vestal, fifteen dollars (\$15.00) out of the public school funds due district number sixty-four (64) white Race as a residue for services rendered, as teacher in said district, during the School year ending June the thirtieth, One thousand eight hundred and ninety-six (1896). Treasurer of Randolph to pay R. M. Vestal \$15.

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

In the General Assembly Read three times and ratified this 2nd day of Feb'y, 1897.

CHAPTER 19.

An act to authorize the treasurer of Yadkin county to pay school claim.

The General Assembly of North Carolina do enact :

SECTION 1. That the Treasurer of Yadkin County is hereby authorized to pay W. A. Holleman the sum of Eighteen Dollars balance due him as Teacher in District No. fifty-three (53) white race, for the year Eighteen hundred and ninety-five, out of any moneys that may hereafter become due said District. Treasurer of Yadkin county authorized to pay W. A. Holleman \$18.

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

In the General Assembly read three times and ratified this 2nd day of February, 1897.

CHAPTER 20.

An act for the relief of W. M. Watson, clerk of the superior court of Craven county.

The General Assembly of North Carolina do enact :

Allowed to be absent from office on 2nd, 3rd, 4th, 5th Mondays of August 1897-1898.

To leave competent deputy.

SECTION 1. That William M. Watson, clerk of the superior court of Craven county, be allowed to absent himself from his office of clerk on the 2nd, 3rd, 4th and 5th Mondays of August in the years One Thousand Eight Hundred and Ninety Seven and One Thousand Eight Hundred and Ninety Eight and to 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.

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

In the General Assembly read three times, and ratified, this 29th day of January, 1897.

CHAPTER 21.

An act to amend Chapter 258, Laws of 1883, relating to the Cashie and Chowan Railroad and Lumber Company.

The General Assembly of North Carolina do enact :

Authorized to hold 100,000 acres.

SECTION 1. That Chapter 258 of the Laws of North Carolina Session 1883 be amended by adding after the word "lands" in line three of Section 3 of said act the words "not exceeding One Hundred thousand Acres" timber lands in Bertie County.

Section 666 of Code not to apply to Company.

SEC. 2. That Section 666 of Chapter 16 of *The Code* of North Carolina in so far as the same applies to this act, is hereby repealed.

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

In the General Assembly read three times, and ratified this 29th day of January, 1897.

CHAPTER 22.

An act to abolish the extra term of Washington superior court.

The General Assembly of North Carolina do enact :

Extra term abolished.

SECTION 1. That the words "and the fourteenth Monday after the first Monday in March, the latter for the trial of civil cases only" between the words, "September" in line three and

“each” in line five of Section one Chapter one hundred, Public Laws, of eighteen hundred and ninety-five, be and the same are hereby stricken out of said section.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act, be and the same are hereby repealed.

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

In the General Assembly, read three times and ratified this the 2nd day of February, A. D. 1897.

CHAPTER 23.

An act to pay J. A. McRae money due by Randolph county for teaching of District School No. 27.

The General Assembly of North Carolina do enact :

SECTION 1. That the Treasurer of Randolph county be and he is hereby authorized to pay to J. A. McRae seventeen dollars and fifty cents “\$17.50” out of the public school fund due District number Twenty-seven “27” for the colored race, as a residue for services rendered as teacher in said District during the school year ending 1896.

Treasurer of
Randolph county
to pay \$17.50.

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

In the General Assembly read three times, and ratified this 2nd day of February, 1897.

CHAPTER 24.

An act to authorize the treasurer of Yadkin county to pay school claim.

The General Assembly of North Carolina do enact :

SECTION 1. That the Treasurer of Yadkin County is hereby authorized to pay John T. Kirk the sum of eleven dollars and eighty-six cents, balance due him as Teacher in District No. 47 white race, for the year eighteen hundred and ninety-five out of any moneys now due or which may hereafter become due said District.

To pay John T.
Kirk \$11.00.

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

In the General Assembly read three times and ratified this 3rd day of February, 1897.

CHAPTER 25.

An act for the relief of J. M. Woodey, late sheriff of Yancey county.*The General Assembly of North Carolina do enact :*

Administrator to
collect arrears
for 1891, 1892, 1893,
1894 and 1895.

SECTION 1. That the Administrator of J. M. Woodey, deceased, Sheriff of Yancey County for the years 1891, 1892, 1893, 1894 and 1895, be and he is hereby authorized to collect any and all taxes due and unpaid to the Sheriff for said years, under such rules and regulations as are or may be prescribed by law for the collection of taxes; *Provided*, That this act shall not effect purchasers without notice.

Chapter 30, Laws
1883, applicable.

SEC. 2. That all the provisions, limitations, restrictions and privileges of Chapter thirty of the laws of one thousand eight hundred and eighty-three be and the same are hereby declared to be applicable to this act.

Proviso.

Provided, That any person who shall go before a Justice of the Peace and file an affidavit that he has lost his tax receipt, shall be exempt.

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

In the General Assembly read three times and ratified this the 2nd day of February, 1897.

CHAPTER 26.

An act to incorporate the Stone Mountain Railway Company.*The General Assembly of North Carolina do enact :*

Corporators.

SECTION 1. That H. L. Smith, D. McCormick, Tagwell Taylor of Norfolk, Virginia; A. M. Clegg of Washington, D. C.; W. M. Absher of North Wilkesboro, N. C.; J. S. Holbrook of Traphill, N. C., and G. W. Hinshaw of Winston, N. C., and such persons as may be associated with them, their successors and assigns be, and they are hereby created a body politic and corporate,

Corporate name.

under the name and style of "Stone Mountain Railway Company," which shall have perpetual succession, and shall have the right to sue and be sued, plead and be impleaded in the courts of this State or United States; to contract and be contracted with; shall have the power to adopt common seal and to change the same at will, and shall be capable of taking by purchase, gift or devise, or in any other way, real or personal estate, and of holding, leasing, conveying or in any other man-

Corporate
powers.

ner dealing with the same, for any of the purposes here-in-after enumerated. And the said corporation shall have and enjoy all rights and immunities which Corporate Bodies may lawfully exercise; and make all necessary By-laws and Regulations for its Government, not inconsistent with the laws of the United States or of the State of North Carolina.

SEC. 2. The capital stock of said corporation shall be Two hundred thousand dollars (\$200,000\$), in shares of one hundred dollars each, with the power to said company to increase the capital stock at any time, not exceeding Fifteen thousand Dollars (\$15,000\$) per mile for every mile of road completed. The said stock may be created by subscriptions on the part of Individuals, Counties, Townships, Cities, Towns or Other Corporations, and said subscriptions may be paid in money, labor, land, materials, stocks, Bonds or other securities; or in any other way that may be agreed upon between the company and the subscribers; and the company may receive Donations of any kind of property or labor.

Capital stock.

Subscriptions.

SEC. 3. That said Incorporators shall have the power to open books of subscription in person, or by agent duly appointed by a majority of them, at such place or places as they may determine, and to keep the same open for such time and under such rules and regulations as may be deemed necessary or expedient: that whenever the sum of ten thousand dollars (\$10,000\$) shall have been subscribed to the capital stock of said company, the incorporators named in section (1) One, of this Act, may, when they deem proper, after ten days notice to the subscribers, call together the subscribers of said shares of stock at any place in or out of the State; and said subscribers shall then complete the organization of said company by electing a Board of Directors and such officers as they may see fit; and at such meeting, and at all other meetings of the stock-holders of said company, each share of stock shall be entitled to one vote, which may be cast by the owner of said share or by his proxy; and the said Directors shall thereupon proceed to elect one of their number President, and to elect such other officers as the By-laws of said company may prescribe; and may do and perform all other acts necessary to complete the organization of said company, and to carry into effect the object of this charter in accordance with the direction of the stock-holders.

Books of subscription to be opened.

Organization.

Board of directors.

Officers.

SEC. 4. That said company shall have, and it is hereby given, the right and power to locate, construct, equip, maintain and operate a Railroad or any part thereof, with one or more tracks, standard gauge or otherwise, from some point on the North-Western North Carolina Railroad between the stations of Siloam

Corporate powers.

Location.	and North Wilkesboro, through the counties of Surry, Wilkes, Alleghany, Ashe, Watauga or any one or more of said counties, to some point of the North Carolina and Tennessee line, or North Carolina and Virginia line by such route as it may select; and it may also construct, maintain and operate such lateral and branch lines as may be necessary or advantageous to the extension, completion and successful operation of said Railroad.
Corporate powers.	And for these purposes it shall have the power to construct dams, culverts, trestles and bridges over or across streams, valleys and depressions; and it shall have the right to cross any navigable stream or canal on its route; <i>Provided</i> , a Draw—
Proviso,	sufficient for the navigation of such stream or canal be placed in its bridges over the same. It shall have the right to cross at Grade or over or under, to intersect, join or unite its railway with any other railway now constructed or that may hereafter be constructed in this State, upon the grounds of such other companies at any point in its route; and to build the necessary turnouts, sidings, switches and other conveniences, in furtherance of the objects of its construction; and may, in making any intersection or connection with another road, have all the rights, powers and privileges conferred upon Railroads by chapter forty-nine (49), Volume One (1) of <i>The Code</i> of North Carolina, and it may operate said Railroad and branches by steam or any other power.
To cross other roads.	
May operate ferry and steam-boats.	The said company may own and operate in connection with the said railroad or any of its branches, ferries and ferry-boats, steam boats and other means of transportation by land or water, for Passengers and Freight and shall also have full power to locate, construct, equip and operate any telephone lines or telegraph lines through any of the counties herein mentioned, with the full power as given herein for the location and operation of a railroad.
May operate telegraph and telephone lines.	
Power to condemn lands.	SEC. 5. That it shall be lawful for any officers, agent, surveyor, engineer or employee of said company to enter at all times upon all lands or waters for the purpose of exploring, leveling or doing any thing necessary or proper to be done for laying out the said railroad and locating the same, and for the purpose of erecting all necessary works and buildings required in this behalf, —paying for all injury to private property whenever any land is required in the construction of its Road, or any of its branch lines, for rights of way, warehouses, depots, water stations, turnouts, workshops or for other buildings or purposes; and when the company and owner of the land shall be unable to agree on the value thereof, the company may in the prosecution of its work, enter upon said land, and either party
Procedure.	

may have the value of the land thus occupied or needed, ascertained and determined in the following manner: application may be made by either party, in writing, to the clerk of the Superior Court in the county where the land lies, setting forth the location and a minute description of the same and the clerk shall thereupon issue his order, in writing, to the sheriff of said county commanding him to summon three disinterested freeholders of the said county, who after being duly sworn, shall meet on the premises at some agreed time within three days from the time of being summoned, and assess the damages to the owner of said land, and shall in estimating said damages take into consideration any benefit to the owner from the construction of the road. Said Freeholders shall make report in writing, to the said clerk in ten days from the time of meeting, and said report shall be recorded by the clerk, and he shall file all papers in the cause in his office. Upon the payment to the owner, or to the clerk for him, the amount so assessed, the title to the land described in the petition shall vest in said company: *Provided* that either party may have the right to appeal from such finding of the freeholders to the Superior Court of said county; which appeal shall be governed by the law relating to appeals from the clerk.

Proviso.
Right of appeal.

The way so condemned shall not exceed one hundred (100) feet in width for the right of way, except in case of deep cuts or high embankments, when it may exceed that width; and for other purposes said company may condemn so much land as may be actually necessary therefor. That said proceeding to condemn land, shall be governed by the rules and regulations governing special proceedings before the Clerk of the Superior Court, as provided in the "Code."

SEC. 6. That the said company shall have power to issue, to negotiate and sell its Bonds, either Coupon or Registered, for the construction or management of its road or branches to any amount that may be necessary, not to exceed Fifteen thousand dollars (\$15,000\$) per mile for its road-bed; and to secure the payment of both principal and interest of the same by one or more mortgages or deeds of trust, conveying its franchise, road bed, right-of-way and any or all other property of every kind owned by said company, on such terms and conditions as may be deemed proper.

To issue bonds.

May make mortgage.

SEC. 7. That said company shall have the exclusive right to carry and transport passengers and Freight over and along said road and its branches, and upon all Ferry-boats, steamers, vessels and boats running in connection with said road and its branches, at such rates as said company shall prescribe, subject

Exclusive right of transportation over road and branches.

Rates to be fixed subject to general laws.

May hold stock in other railroad or transportation companies.

May buy, or lease or connect with other companies.

May use part of road before completion of whole road.

May purchase any other railroad.

May consolidate with any other company.

May sell or lease its property or franchise.

Directors may exercise corporate powers.

May hold land.

Value of land held not to exceed \$1,000,000.

Proviso.

to said general laws regulating the same, as the General Assembly may, from time to time, establish; and it shall have the right to transport all manner of goods as expressed, and to make and collect all charges for the same; and to transport the United States mail, and to make and collect all charges for the same. The said company may purchase or hold stock in any other railroad or Transportation Company, and may buy or lease the same, or may connect with and contract with the same for the transportation of passengers and freight, of all kinds over the lines of such companies, and it may use and operate any part of its road or branches before the whole may be completed, and may collect fares and charges for transportation over the said part.

SEC. 8. That the said company may acquire by purchase or lease, the railroad franchises and property of any other railroad now constructed, or that may hereafter be constructed, in this State or elsewhere. In case of purchase, the railroad, franchises and property so purchased shall be held, owned and enjoyed by this company as though said purchased roads had been originally constructed under this charter, and it shall be entitled to all the property, franchises, privileges and immunities belonging to or pertaining to the road so purchased; or the company created by this act may consolidate its franchise and property with any road or transportation line, under such name as shall be agreed upon; or the company created under this act may sell, assign or lease its property and franchises or any part thereof to any other such road or transportation line, and the road or transportation line so purchasing this road shall hold, own and enjoy all the property and franchises so purchased, as though they had been originally held and constructed by the railroad so purchasing; and the road so purchasing shall be entitled to all the property, franchises and privileges and immunities belonging to or pertaining to the road created by this act.

Any of the powers and transactions conferred and authorized by this section, may be exercised and effected by the Directors of the companies concerned, in such manner and on such terms as the stockholders of each company may determine.

SEC. 9. That said company is hereby fully empowered to take, by purchase or otherwise, and to hold in fee simple, or any other manner, any number of acres of land besides what may be necessary for the right of way, Depots, warehouses, shops, and other necessary buildings, not exceeding in value, at any time, the sum of one million dollars (\$1,000,000): *Provided*, that the value of the lands is to be fixed by the price paid for the same; an increase in value by improvements made by said cor-

poration, or otherwise, not to be considered in ascertaining the value of the lands: *Provided, further*, that this act shall not be construed to have any effect upon the valuation of said lands for taxation.

Further proviso.

SEC. 10. That said company may subscribe to the capital stock of any other corporation now in existence or hereafter projected, in this State or elsewhere, and hold shares in same. It may buy, sell, own, hold and deal in real estate, standing trees, lumber, lumberman's materials and supplies, and all other goods, wares and merchandise of any and all kinds; it may build, own, equip and operate saw mills, planing mills, stone mills, shingle mills, dry kilns, hotels, boarding houses and all other buildings, mills, machinery and apparatus, necessary and convenient for the conduct of any part of its business; it may also purchase, own, mine for and operate natural gas, oil, coal, iron and other minerals or ores.

May subscribe to capital stock of other corporations.

Further corporate powers.

SEC. 11. That the Board of Directors of the Penitentiary may, on application of the President of said company, approved by the Governor, turn over to said company convicts, not otherwise appropriated, not to exceed two hundred and fifty in number, to be worked in the construction of said road or any of its branches; or in its quarries or mines, at such price as may be agreed upon; the said convicts to be guarded and superintended by the authorities of the Penitentiary; and to be hired to said company, as provided by section thirty-four hundred and thirty-three (3433) of *The Code* of North Carolina and amendments thereto.

May work convicts not to exceed 250.

SEC. 12. That any County, Township, City or Town along or near the line of said railroad or any of its branches, or at any terminal point of said road, or any of its branches, may subscribe to the capital stock of said company in the following manner; upon the presentation in writing, signed by at least one-fourth ($\frac{1}{4}$) of the freeholders in said county, township, city or town, to the Board of Commissioners of said county, or to the proper authorities of said city or town, requesting them to submit to the qualified voters of the County, Township, City or Town where said petitioners may reside, a proposition to subscribe a definite sum named in said petition, to the capital stock of said company. The Board of Commissioners of said county, or proper authorities of said city or town, shall within thirty days order an election to be held in such County, Township, City or Town and submit to the qualified voters therein, the question of subscribing to the capital stock of said company the amount specified in said petition; at which election all those qualified to vote who are in favor of such subscription,

Subscriptions, by counties, cities towns or townships.

Election to be ordered on petition of one-fourth of freeholders.

Ballots.	shall vote a ballot on which shall be written or printed the words, "For Subscription," and those opposed to such subscription shall vote a ballot on which shall be written or printed the words, "Against Subscription," and the election for this purpose shall be conducted in the same manner and subject to the same rules and regulations as are provided for the election of county officers by the general election laws of the State of North Carolina. That a new Registration may be ordered or the registration books revised, in any such election whenever the authorities ordering the same may deem it proper, or whenever the petition asking for said election shall so request. Such election shall be held after thirty days' notice thereof shall have been given, specifying the amount of proposed subscription. posted at the Court House Door of said County, City or Town and at every Polling place, of said County, Township, City or Town, and the returns thereof shall be made to the Board of Commissioners of said County or proper authorities of said City or Town.
Election, how conducted.	
New registration may be ordered, or registration books revised.	
Thirty days notice.	
If affirmative vote, authorities to make subscription.	SEC. 13. That if a majority of the qualified voters vote for subscription, then the Board of Commissioners of said County, or proper authorities of said City or Town, shall immediately make such subscription and may pay for the same in cash, or
May issue bonds.	may issue coupon bonds to the amount of said subscription in order to pay for the same, and the bonds shall upon their face indicate on account of what County or Township or City or Town they are issued. They shall be in denominations of not less than one hundred dollars (\$100\$) and not more than one thousand dollars (\$1,000\$) each, and shall run for twenty years and bear interest at the rate of six per centum (6%) per annum, payable semi-annually at a suitable depository to be designated by such Commissioners or municipal authorities: <i>Provided</i> , that any County, Township, City or Town or Territory, which may subscribe to the capital stock aforesaid, shall in its integrity always be liable to the payment of the obligation it assumes, and in the event of a change in the boundaries thereof, the original territory comprising the County, Township, City or Town which first incurred the liability, shall remain always liable and subject to the payment of the obligation it incurred until the same shall be duly satisfied.
Amount and term of bonds.	
Proviso.	
Special tax.	SEC. 14. That the County authorities in any County voting for subscription, or in which there is a Township voting for a subscription, or the proper authorities in a City or Town voting for a subscription, who are legally empowered to levy taxes in order to provide for the payment of these Bonds authorized to be issued by the preceding section, shall compute and levy

each year, at the time of levying other taxes, a sufficient tax upon the property and polls in such County, Township, City or Town, to regulate and promptly pay the interest on the Bonds issued on account of such County, Township, City or Town, and at the same time the said authorities shall compute and levy a tax on the property and polls of such County, Township, City or Town, equal to one-twentieth ($\frac{1}{20}$) part of the Bonds so issued, which tax shall constitute a sinking Fund to provide for the payment of said Bonds at maturity. The taxes levied as above shall annually be collected as other taxes are collected, and shall be paid by the collecting officer of such County, City or Town, to the Treasurer thereof, or to such other officer as may be designated by the proper authorities, which officer shall give a good and sufficient bond for the safe keeping and proper disbursement of said taxes; and the taxes levied and collected for these purposes shall be kept sacred and distinct from each other, and from all other taxes, and each shall be used for the purpose for which it was levied and collected, and for no other. If possible, the sinking Fund thus raised shall be annually applied to the purchase of the identical Bonds, to pay the principal for which it was collected; but if it is impossible to annually invest said sinking Fund in the purchase of said Bonds, for the payment of which it was created, the same shall be invested as may be directed by the Board of Commissioners of said County, or by the proper authorities of such City or Town issuing said Bonds.

Officer holding taxes to give bond.
Taxes to pay bonds to be kept distinct.

Sinking fund to be applied to purchase of bonds.

The taxes for the sinking Fund to pay the principal of said Bonds, shall be levied no longer than is necessary to create a fund sufficient to pay the principal of said Bonds.

Taxes to cease when.

SEC. 15. That the Board of Commissioners of any county, or proper authorities of any City or Town issuing Bonds under this act, are authorized and empowered to transfer the stock subscribed by their County, or Township, or Municipality, to the "Stone Mountain Railway Company," or to any Corporation or person for the completion of said Road.

Subscribing authorities may transfer stock.

SEC. 16. That the general meetings of the stockholders of said company may be held annually, and at their first general meeting, and at each annual meeting thereafter shall elect a Board of Directors of not less than five nor more than eleven members of said company; who shall hold office for one year and until their successors are chosen and qualified.

General meetings.

Stockholders to elect directors.

At the first meeting after their election, said Board of Directors shall elect one of their members, president, and one Vice-President, and shall also elect a Secretary and Treasurer, and such other officers as they may wish, all of whom shall hold office for one year, and until their successors are chosen and qualified.

Directors to elect other officers.

Quorum.

At all meetings of stockholders, a majority of stock subscribed shall constitute a quorum, and said stock may be represented by person or by proxy—verified in such manner as shall be prescribed by the By-laws of the company.

Vacancies, how filled.

The Directors may fill any vacancy that may occur in their Board or in any office, except that the Vice-President shall fill any vacancy in the office of President, and shall be President until a President is elected by the stockholders.

By-Laws.

By-laws for the company may be passed at the first general meeting of stockholders or as early thereafter as may be practicable; but any By-laws may be changed, amended or repealed, and additional By-laws made at any meeting after the first.

Directors may meet outside of State.

The Directors may hold meetings outside of the State when they deem it more convenient.

Stockholders not individually liable.

SEC. 17. That the stockholders in said company, whether private citizens, or other corporations public, private or municipal, shall not be individually liable for the debts or liabilities of the company.

SEC. 18. That this act shall be in force from and after its ratification.

In General Assembly read three times. Ratified this 3d day of February, 1897.

CHAPTER 27.

An act to fix the pay of register of deeds for recording election returns.

The General Assembly of North Carolina do enact:

Register allowed ten cents per copy sheet.

SECTION 1. That the register of deeds of the several counties shall be allowed ten cents per copy sheet of one hundred words for recording the election returns from the various voting precincts to be paid by the counties.

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

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

In the General Assembly read three times and ratified this 5th day of February, 1897.

CHAPTER 28.

An act to amend section 1246 of The Code in relation to probate of deeds and other instruments of writing.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 1246 of *The Code* be amended by adding thereto the following, which shall be subsection 11 thereof. That when any grantor shall execute and deliver to the grantee any deed or other instrument of writing which should be registered, and to which there is no witness, upon the grantors refusing to acknowledge his execution thereof before proper Officer to take such acknowledgment after due notice to the grantor, the grantee upon exhibiting the same before the clerk of the Superior Court, of the County in which such instrument should be registered, may upon motion before said Clerk, have a subpoena issued for such grantor to appear before the clerk of the Superior Court, under the same rules and penalties as is set out in Section 1268 of *The Code*, for summoning witnesses to prove a deed, or it may be lawful in such cases for the grantee to prove the handwriting of such grantor, upon his refusal to acknowledge the same, by at least one responsible and disinterested witness, and the Clerk may admit the instrument to probate and order the same registered.

Grantor refusing to acknowledge execution.

May be examined under subpoena.

Or handwriting may be proven.

SEC. 2. That the registration of such deeds as those above described which have heretofore been admitted to probate, upon the proof of the handwriting of the grantor shall be valid.

Former probates and registrations valid.

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

In the General Assembly read three times and ratified this 5th day of February, 1897.

CHAPTER 29.

An act for the relief of David W. Powell, treasurer of Columbus county, and his sureties on his official bonds.

WHEREAS, David W. Powell, late treasurer of Columbus county, had on deposit in the Bank of New Hanover, in the city of Wilmington, county of New Hanover, the sum of Thirty-five hundred eighty-four $\frac{96}{100}$ dollars at the time said bank closed its doors and quit business as such; and,

Preamble.

WHEREAS, said David W. Powell, treasurer aforesaid, has turned over to his successor all moneys collected by him except so much thereof as said bank by reason of its insolvency and failure became unable to pay and did not pay; and,

WHEREAS, the said David W. Powell, did faithfully and honestly execute the duties of his said office according to law except in so much as he was unable to do by reason of the failure of said bank on the 19th day of June, 1893,

The General Assembly of North Carolina do enact:

Treasurer and
sureties relieved
from liability as
to amount lost
by bank failure.

That the said David W. Powell, treasurer aforesaid, and his sureties on his official bonds be and they are hereby relieved from all liabilities on said bonds for or on account of any and all moneys which the said David W. Powell, treasurer aforesaid, had on deposit in said bank, and which said bank by reason of its insolvency has failed to pay:

Proviso.

Provided, The said David W. Powell, treasurer aforesaid, shall pay over to the proper parties entitled to receive the same any moneys which may hereafter come into his hands as treasurer aforesaid.

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

In the General Assembly read three times, and ratified this 6th day of February, 1897.

CHAPTER 30.

An act to authorize the Commissioners of Robeson county to levy a special tax.

The General Assembly of North Carolina do enact:

Special tax
authorized.

SECTION 1. That the Board of Commissioners of Robeson county be and is hereby authorized and empowered to levy a special tax, in the year one thousand eight hundred and ninety-seven (1897) at the same time with other levies on all subjects of taxation in said county, the said special tax not to exceed twenty-five cents on the one hundred dollars' worth of property and seventy-five cents on the poll, the constitutional question being observed, said tax being required to meet the present floating indebtedness of said county. Said tax shall be col-

Limitation.

lected 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 other taxes for said county. To be collected as other taxes.

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

In the General Assembly read three times and ratified, this 6th day of February, 1897.

CHAPTER 31.

An act to amend Section 1014 of The Code, to make Guardians, Administrators, and Executors who misappropriate their funds liable to indictment for embezzlement.

The General Assembly of North Carolina do enact :

SECTION 1. That section one thousand and fourteen of *The Code* be and is hereby amended as follows: After the word Copartnership in line two add the word Guardians, administrators, and Executors. Amendment.

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

In the General Assembly read three times and ratified this 6th day of February, 1897.

CHAPTER 32.

An act to exempt undertakers who are funeral directors from Jury duty.

The General Assembly of North Carolina do enact :

SECTION 1. That Section 1723 of *The Code* of North Carolina be amended by inserting between the words, "Pilots" and "Members" in the fifth line thereof, the words, "undertakers who are funeral directors." Section 1723 of Code amended.

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

In the General Assembly read three times, and ratified, this 6th day of February, 1897.

CHAPTER 33.

An act to authorize the Commissioners of McDowell county to levy a special tax.

Preamble.

WHEREAS, the sum of three thousand dollars was appropriated and a building committee appointed by the General Assembly, Chapter 463, Laws of 1895, for the purpose of building and constructing a common jail for the county of McDowell; and, whereas the sum so appropriated was deemed by the said committee insufficient for the purpose mentioned; and, whereas the said committee contracted a debt of one thousand, one hundred and forty-five dollars, with interest thereon, in the construction and equipment of the said jail, which said debt remains due and unpaid; now, therefore,

The General Assembly of North Carolina do enact:

Special tax
authorized.Constitutional
equation to be
observed.

SECTION 1. That the board of Commissioners of McDowell county are hereby authorized, empowered and directed to levy a special tax on all property and polls in said county, observing the constitutional equation between property and polls, for the year one thousand eight hundred and ninety-eight, sufficient to discharge the said debt of one thousand one hundred and forty-five dollars, with accrued interest, and pay off the same.

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

In the General Assembly read three times and ratified, this 9th day of February, 1897.

CHAPTER 34.

An act to restore the office of county treasurer to the county of McDowell.

The General Assembly of North Carolina do enact:

Office restored.

SECTION 1. That the office of County Treasurer be and the same is hereby restored to the county of McDowell.

Governor to
appoint.

SEC. 2. That the Governor is hereby authorized and empowered to appoint a County Treasurer for the said county of McDowell, to serve until his successor shall be elected at the next general election.

Appointee to
present bond to
Clerk of Superior
Court.

SEC. 3. That the person so appointed, as provided in the preceding section, shall present to the Clerk of the Superior Court of McDowell county the commission of the Governor appoint-

ing him County Treasurer for the said county, together with a good and sufficient bond, conditioned as the Law prescribes; said Bond to be approved by the said clerk. It shall be the duty of the said clerk of the said Superior Court to administer the Oath of Office to said person, and induct him into the office of County Treasurer of said county.

Clerk to approve bond and induct appointee into office.

SEC. 4. That it shall be the duty of the sheriff of said county, immediately upon the qualification and induction of the said Treasurer into the said office, to turn over all monies in his hands belonging to the said county, to the County Treasurer so appointed, and upon his failure or refusal to do so, the said sheriff shall be guilty of a misdemeanor, and upon conviction for such failure or refusal shall be fined not less than two hundred dollars.

Sheriff to pay over county funds.

Penalty for failure.

SEC. 5. That all laws and clauses of laws inconsistent with the provisions of this act are hereby repealed.

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

In the General Assembly read three times. Ratified this 9th day of February, 1897.

CHAPTER 35.

An act to amend section twenty-two hundred and two (2202) of The Code of North Carolina.

The General Assembly of North Carolina do enact:

SECTION 1. That section twenty-two hundred and two (2202) of *The Code of North Carolina* be so amended as to read as follows:

No person or persons, company or corporation being now residents of this State, shall catch Fish by seins, nets or other appliances for taking fish for marketable purposes in any waters within the jurisdiction of this State, without first obtaining therefor a license from the State Treasurer and for which, he, they or it shall pay a privilege tax of twenty-five hundred dollars per annum. And any such person or persons, company or corporation who shall violate this section shall forfeit and pay the sum of Five hundred dollars for each day engaged in fishing as aforesaid; to be sued for and recovered by any citizen of this State, the one-half of such recovery to be to the use of such citizen so suing and recovering the same, and the other half to

Non-residents not to fish for market.

Privilege tax.

Penalty.

One-half of penalty to person suing for same.

One-half to public school fund.	the use and benefit of the Public School Fund ; and such person or persons, company or corporation so violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction in the Superior Court of any county contiguous to the waters so fished as aforesaid, shall be fined not exceeding three thousand dollars or imprisoned not exceeding two years, or be both fined and imprisoned as aforesaid, in the discretion of the court, and any citizen or citizens of this State, or other person or persons who shall form an alliance or co-partnership with a non-resident for the purpose of evading this section, or who shall act as an agent of any such non-resident, or as it or its, his or their servant, agent or employee, shall be deemed guilty of a misdemeanor, and upon conviction in the Superior Court of any county bordering upon the waters fished as aforesaid, shall be fined not less than one hundred dollars or imprisoned not less than six months, or be both fined and imprisoned as aforesaid, in the discretion of the court ; and the nets, seines, boats or other appliances of such person, persons, company or firms shall be liable by civil action to seizure and confiscation for the benefit of the Public School Fund.
Misdemeanor.	
Punishment.	
Citizens acting as agents or in partnership with non-residents guilty of misdemeanor.	
Punishment.	
Implements subject to seizure.	
Parties in civil actions not excused from testifying.	And in any civil action for the recovery of the penalties hereinbefore provided for and mentioned, no person or persons, agent or agents, servant or servants or other employee or employees shall be excused from testifying therein on the ground of incriminating himself or themselves by his or their answer or answers, but such answer or answers shall not be used as evidence against such witness or witnesses so testifying in any criminal action what-so-ever.
Answers of parties in civil actions not to be used against them in criminal proceedings.	

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

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

In the General Assembly read three times. Ratified this the 9th day of February, 1897.

CHAPTER 36.

An act to establish a new township in the county of Surry.

The General Assembly of North Carolina do enact:

Township lines. SECTION 1. That Pilot Township in the County of Surry be divided into two Townships as follows: Beginning at the mouth of Pilot Creek thence up said Creek to the mouth of Big Mountain Branch just below G. Denny's mill, thence up

said Branch one half mile, thence a direct line to the top of the Big Pinnacle on the Pilot Mountain, thence East to the Stokes and Surry lines, and that all of the territory of the original Pilot Township South of said line shall constitute a Township to be known as Shoals Township, and all of the territory of the original Pilot Township North of said line shall be constituted a Township to be known as Pilot Township.

Shoals township
established.

SEC. 2. That the said Township constituted by section first of this act shall have all the rights, powers and privileges now granted to Townships by law. And the permanent place of voting in each Township shall be fixed by the County Commissioners of the County of Surry.

Rights and
privileges.
Permanent
voting place to
be established by
county commis-
sioners.

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

In the General Assembly read three times and ratified this 9th day of February, 1897.

CHAPTER 37.

An act to amend and extend the operation of Section 2784 of The Code of North Carolina.

The General Assembly of North Carolina do enact :

SECTION 1. That section two thousand seven hundred and eighty-four (2784) of *The Code of North Carolina*, be amended by adding, at the end thereof, the following :

And whereas by reason of the frequent changes of county lines, and the creation of new counties it hath happened, that lands were entered in one county, and before the issuing of the Grants therefor, or the registration of said Grants, by the change of former county lines, or the establishment of new lines, the lands so entered were placed in a county, or in counties different from that in which they were situate, and the Grants were registered in the county where the entry, or entries were made. It is now enacted that all grants issued on entries for lands situate as aforesaid when the purchase money therefor has been paid into the State Treasury, shall be good and valid, and the registration of said Grants shall have the same force and effect as if they had been registered in the county or counties where the lands were situate : and that any and all persons claiming under and by said Grants, may have them, or a certified copy

Grants validated
when entrees
were made or
grant recorded
in wrong county.

Such grants to
be registered in
proper county.

of the same from the office of the Secretary of State, or from the office of the Register of Deeds when they had been erroneously registered, recorded in the office of Register of Deeds of the county, or counties where the lands lie, and such registration shall have the same force and effect as if the said grants had been duly registered in said county or counties.

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

In the General Assembly read three times and ratified this 9th day of February, 1897.

CHAPTER 38.

An act to protect the iron bridges of Macon county.

The General Assembly of North Carolina do enact:

Misdemeanor to ride or drive faster than a walk over any iron bridge in Macon county.

SECTION 1. That any one riding or driving faster than a walk, over any iron bridge in the county of Macon, be guilty of a misdemeanor, and fined, or imprisoned, or both, at the discretion of the court.

County commissioners to post copies of act.

The County Commissioners of said county shall post a copy of this act at each entrance to each iron bridge in said County of Macon.

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

In the General Assembly read three times and ratified this 9th day of February, 1897.

CHAPTER 39.

An act to repeal chapter 303 of the laws of 1895.

The General Assembly of North Carolina do enact:

Repeal.

SECTION 1. That chapter 303 of the laws of 1895, entitled "An act to locate county lines between Alamance and Chatham counties" be and the same is hereby repealed.

Line of Alamance and Chatham counties.

SEC. 2. That the dividing line between Alamance and Chatham counties shall be and is hereby declared to be a line beginning at the old Natty Newlin place, which has always been recognized as being on the dividing line of said counties, and running thence due west to the Randolph county line, and extending due east from the said Natty Newlin place to Haw river.

SEC. 3. That W. L. Spoon of the county of Alamance is hereby appointed and authorized to survey and locate the said dividing line between the said counties as directed in Section 2 of this act. And if for any reason the said Spoon shall fail or neglect to survey and locate said line before the 1st day of May, 1897, then and in that event, the County Surveyors of Alamance and Chatham counties are hereby authorized and instructed to survey and locate the said line as above instructed before the 1st day of June, 1897.

W. L. Spoon to
survey line.

Commissioners
of two counties
to make survey
in case of failure.

SEC. 4. That when the said line is surveyed and located, as above directed, a written report of the same shall be made by the surveyor or surveyors and filed in the office of the Register of Deeds of each of said counties, Alamance and Chatham. The expenses of said survey shall be paid equally by said counties.

Report of survey
to be filed.

Expense divided
equally.

SEC. 5. That nothing contained in this act shall repeal or affect the operations of a stock law now existing in the territory heretofore taken from Chatham and attached to Alamance; nor shall the stock law fence between Alamance and Chatham counties be removed from its present location unless petitioned therefor to the county commissioners of Alamance county by a majority of the landowners residing in said territory.

Stock law not
repealed.

SEC. 6. That this act shall not take effect or be in force till ratified by one-fourth of the qualified votes cast at an election in the territory, north of the line run and marked under act of 1895 and south of what had heretofore been regarded as the line between the counties of Chatham and Alamance. That the commissioners of Alamance county order an election to be held on the last Saturday in April, 1897, at two or more places to be designated so as to best serve the convenience of the voters and precincts shall be laid off accordingly, and the election shall be conducted in all respects as elections for members of the General Assembly are held. Those who favor the act shall vote a written or printed ballot upon which shall be the word "ratification" and those who oppose shall vote a ballot upon which shall be written or printed the word "rejection." The result shall be reported to the Clerk of the Superior Court of Alamance county and he shall announce the result as provided by law in elections of members of the General Assembly. That said election shall be held at the cost of Alamance county. If one-fourth of the qualified votes cast in said election in said territory shall vote "ratification" then the Clerk of the Superior Court of Alamance, shall certify the same to the Board of

Election to be
held.

Commissioners
to order election.

Places to be
designated.

Ballots.

Result to be
reported.

Cost of election
to be paid by
Alamance.

County Commissioners of Alamance and Chatham counties.
 Proviso. *Provided* if for any cause no election shall be held under the provisions of this section, then this act to be in force.

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

In the General Assembly read three times and ratified, this 9th day of February, 1897.

CHAPTER 40.

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

The General Assembly of North Carolina do enact:

Special tax authorized for 1897 and 1898. SECTION 1. That the Commissioners of Watauga 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

Limitation. of one thousand dollars (\$1,000), one-half to be levied in the year one thousand eight hundred and ninety-seven (1897), the other to be levied and collected in the year one thousand eight hundred and ninety-eight (1898).

Tax how applied. SEC. 2. That the taxes herein provided to be levied and collected shall be used and applied by the Commissioners to the payment of the indebtedness incurred under the provision of the Mecklenburg road law, as applied to the counties of Ashe and Watauga.

Tax, how levied and collected. 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.

In the General Assembly read three times and ratified this 9th day of February, 1897.

CHAPTER 41.

An act to levy a special tax for Montgomery county.

The General Assembly of North Carolina do enact:

Special tax authorized. SECTION 1. That the Board of Commissioners of Montgomery county be, and are hereby authorized and empowered to levy a special tax, not to exceed fifty-five cents on each taxable Poll,

Limitation. and fifteen cents on each one hundred dollars of real and per-

sonal property in said county, for the year one thousand eight hundred and ninety-seven, and for each subsequent year until enough shall be collected to pay off the indebtedness of said county.

SEC. 2. That said special tax shall be applied to the payment of the indebtedness of said county. Tax how applied.

SEC. 3. That said special tax shall be levied in the same manner, and at the same time as other taxes are levied in said county. Tax how levied and collected.

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

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

In the General Assembly read three times and ratified this 9th day of February, 1897.

CHAPTER 42.

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 at their regular meeting on the first Monday in June of the year one thousand eight hundred and ninety-seven, and ninety-eight (1897-1898) to levy a special tax upon the taxable property and Polls of said county, for the purpose of discharging the outstanding indebtedness (not bonded) of said county. Special tax authorized.
To pay county indebtedness.

SEC. 2. That the amount of tax levied under this act shall be determined by said board of Commissioners, but shall not in either year exceed fifteen cents on the hundred dollars worth of property, and forty-five cents on the Poll, and the constitutional equation between property and Poll shall always be observed in making levies. Limitation.
Constitutional equation to be observed.

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 provided for the collection of other taxes in said county. To be collected as other taxes.

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

In the General Assembly read three times and ratified this 9th day of February, 1897.

CHAPTER 43.

An act to empower the board of commissioners of Edgecombe county to levy a special tax.

The General Assembly of North Carolina do enact :

Bonds to be issued.

Limitation.

Interest.

Interest paid semi-annually.

Bonds, when to mature.

Fiduciaries authorized to invest in said bonds.

Special tax authorized.

Tax, how levied and collected.

Rate of tax.

Purpose of bonds and tax.

SECTION 1. That the Board of Commissioners of Edgecombe county, are hereby authorized and empowered to issue Bonds in such denominations as it may determine, in an amount not to exceed the sum of sixteen thousand dollars (\$16,000.00).

That said Bonds shall carry interest at the rate of six per cent. per annum ; said interest to be paid semi-annually, on the first day of January and July of each year until said Bonds are paid.

SEC. 2. That the interest of said Bonds shall be paid semi-annually as provided in section one of this act ; and one thousand dollars (\$1,000.00) of the principal of said Bonds shall mature and be payable on the first day of January, 1898 (Eighteen hundred and ninety-eight), and a like sum of one thousand dollars on the first day of every January thereafter, until the principal of said Bonds shall be paid in full.

SEC. 3. That all the Executors, Guardians, Trustees and all other fiduciaries, are hereby empowered and authorized to invest any Fund in their hands, in said Bonds, at the market value thereof.

SEC. 4. That means to pay the semi-annual interest and that portion of the principal of said Bonds annually maturing, shall be provided for by said Board of Commissioners, and to that end, the said Board of Commissioners of Edgecombe county are hereby fully empowered and authorized to levy a special tax upon all property in said county of Edgecombe liable to taxation ; and upon all taxable Polls residing within said county. That said tax shall be levied by said Board of Commissioners at the times and in the manner that other county taxes are levied, and shall be collected by the sheriff of said county, as other county taxes are collected.

That the rate of said special tax as herein provided, shall not exceed a rate of four cents on the one hundred dollars value of property and the rate of twelve cents on the Poll.

SEC. 5. That the purpose of issuing said Bonds and the levy of the said special tax is to pay the indebtedness of the county of Edgecombe, incurred in putting in Drawspans in the Bridges across Tar river, within said county, known as Bell's Bridge and Tarboro Bridge, and in erecting and replacing the wooden Bridge known as the Tarboro Bridge, with a substantial steel Draw-bridge.

SEC. 6. That the funds arising from said special tax, shall be applied to no other purpose than the payment of said Bonds and the interest thereon.

Tax applied solely to payment of bonds.

SEC. 7. That the said Bonds shall be signed by the Chairman of the Board of Commissioners of Edgecombe county, and attested by the Register of Deeds, as Clerk to the Board.

Bonds, how signed and attested.

That said Bonds shall not be sold at less than their par value.

Not to be sold for less than par.

SEC. 8. That this act shall be in force from and after its ratification.

In the General Assembly read three times. Ratified this the 9th day of February, 1897.

CHAPTER 44.

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

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of settling the indebtedness of Cherokee county contracted for the rebuilding of the Court-house in said county and any other outstanding debts, and to meet such indebtedness as shall be legally incurred by the board of county Commissioners of said county for internal improvements, the board of Commissioners of said county, are hereby authorized and empowered to issue Coupon bonds, to an amount not exceeding twenty thousand (\$20,000.00) in denominations of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) with coupons attached, calling for interest at a rate not to exceed six per cent per annum, on the principal of each bond, said coupons to be due and payable on the first day of February in each year.

Bonds to be issued.

Issue not to exceed \$20,000.
Denomination of bonds.

Interest.

SEC. 2. That said bonds shall be dated as of the first day of February, one thousand eight hundred and ninety-seven (1897) and shall be due thirty (30) years after date: *Provided*, that the Commissioners may retire any portion, or all of said bonds at any time before maturity by consent of the bondholders; said bonds shall be signed by the chairman of the board of county Commissioners, and countersigned by the register of deeds. Said register of deeds shall keep a suitable book in which he shall keep an accurate account of the number of bonds issued, the amount of each bond, and to whom payable; and he shall also keep an accurate account of the coupons, and the

Date of bonds.

To run thirty years.

Proviso.

Bonds, how signed and countersigned.

Register of deeds to keep account of bonds.

Books to be opened to inspection of tax payers.

Misdemeanor.

Penalty.

Coupons receivable for county taxes.

Bonds not to be sold for less than par.

Special tax to be levied.

Constitutional equation to be preserved.

Limitation. Tax, how levied, collected and applied.

bonds which shall be paid, taken, and otherwise cancelled, so that the true state of the bonded debt herein provided for, can be readily seen and ascertained. Said books shall at all times be open to the inspection of any tax-payer of the county, and any register of deeds; or other county officer, having the custody of said books, who shall refuse or shall wilfully neglect to afford such inspection shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) or imprisoned not less than one (1) month, nor more than three (3) months, in the discretion of the court.

SEC. 3. That the coupons provided for in this act shall be receivable in payment of county taxes.

SEC. 4. That said bonds shall not be sold for less than their par value.

SEC. 5. That for the purpose of paying the coupons, and for creating a sinking fund, for the payment of the bonds herein provided for, the board of Commissioners for said county are hereby authorized, and empowered to levy a special tax of twenty-five (25) cents, on the one hundred dollars (\$100.00) worth of property, personal and real, observing the constitutional equation between the property and the poll for the period not to exceed thirty (30) years, or when said bonds are retired, as provided for in this act. Said special taxes shall be collected as other taxes are collected, and applied only as set forth in this section.

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

In the General Assembly read three times and ratified this 9th day of February, 1897.

CHAPTER 45.

An act for the relief of E. R. Johnson, chairman board of supervisors, Currituck county, Crawford township.

The General Assembly of North Carolina do enact:

Required to pay over all moneys received under chapter 506, Laws 1893.

SECTION 1. That E. R. Johnson, chairman of Board of Supervisors, Crawford Township, Currituck county, be and the same is hereby required to pay over all money received in his hands under chapter Five hundred and Six, "506," "Sec. 2," of The

Laws "1893," Eighteen hundred and ninety-three, to Treasurer of Currituck county, to be expended by Board of County Commissioners on the public roads of Crawford Township.

Money to be expended on roads of Crawford township.

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

In the General Assembly read three times and ratified, this 10th day of February, 1897.

CHAPTER 46.

An act for the better protection of the traveling public.

The General Assembly of North Carolina do enact:

SECTION 1. That all Rail Road and Steamboat Companies doing business in this State shall be required to handle with care all baggage and freights placed with them for transportation, and they shall be liable in damages for any and all injuries to the baggage or freight of persons from whom they have collected fare or charged freight. While the same is under their control, and upon proof of injury to baggage or freight in the possession or under the control of any such company, it shall be presumed, that the injury was caused by the negligent acts of said companys' agents or servants.

Railroad and steamboat companies to handle baggage carefully.
Liable in damages.

Injury presumptive evidence of negligence.

SEC. 2. That this act shall be in force at the expiration of thirty days from and after its ratification.

In the General Assembly read three times, and ratified, this 10th day of February, 1897.

CHAPTER 47.

An act requiring the commissioners of Craven county to refund illegal tax collected under the act of the General Assembly, ratified March 11, A. D. 1895.

The General Assembly of North Carolina do enact:

SECTION 1. That the Commissioners of Craven county shall refund, either in cash or by voucher, the amount of tax collected by the sheriff of said county for the year 1896, from the taxpayers of said county, under and by virtue of the act of the

Tax collected illegally to be returned.

General Assembly, entitled, "An act to authorize the Commissioners of Craven county to levy a special tax." Ratified the 11th day of March, 1895.

Said act having been declared unconstitutional by the Supreme Court of North Carolina.

If returned in vouchers, such vouchers to be receivable for county taxes.

SEC. 2. That if the said tax shall be refunded in vouchers by said Commissioners, that the same voucher shall be receivable in taxes, for the year 1897, due from those who have paid said illegal tax.

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

In the General Assembly read three times. Ratified this 10th day of February, 1897.

CHAPTER 48.

An act relating to School District No. 30, for the white race in Nash county.

The General Assembly of North Carolina do enact:

Boundaries of district.

SECTION 1. That the following territory in Nash county is hereby constituted, School District No. Thirty (30) for the white race, to-wit: all territory being and lying within the following boundaries: Beginning in Turkey creek at the mouth of Driving branch, thence running up said branch to the Wilson road between Samuel Murray's and William Cove's, thence in a straight line to the north-west corner of Jessie Morgan's land, thence with his line to the north-east corner; thence in a straight line to the Dyson pond on Tasnot Swamp, thence in a straight line to the new road at the northern corner of Wesley Bisset's fence, thence south along said road around and including the plantations of William and Frank Dentons, thence in a straight line to the Wilson road at the south-east corner of Mrs. Tempy Glover's fence, thence in a straight line to G. W. Fincher's around and including his Dean's tract of land, thence in a straight line to the mouth of W. D. Brown's lane, thence along said lane to a bridge over a drain, thence down said drain to John's branch, thence up said branch to the ford at the James Morgan old place around and including all of E. B. Finche's land, thence in a straight line to the Eastern ford across Turkey Creek, thence up said creek to the beginning.

SEC. 2. That it shall be unlawful for any person to sell any intoxicating liquors including cider and wine, within the limits of said School District in quantities less than five gallons. Prohibition (including cider and wine) within the district.

SEC. 3. That any person violating the above section shall be guilty of a misdemeanor and fined or imprisoned at the discretion of the court. Misdemeanor.

SEC. 4. That it shall be unlawful for any person to give away any intoxicating liquors, including cider and wine, at any public gathering within one (1) mile of Mount Pleasant academy in the aforesaid school district. Prohibition for Mt. Pleasant Academy.

SEC. 5. That any person violating the above section shall be fined not less than five (\$5.00) dollars, nor more than twenty-five (\$25.00) dollars. Penalty.

SEC. 6. That the present school committee of district number thirty (30) for the white race in Nash county are hereby appointed school committee of the aforesaid district as constituted above to hold as such until the next regular appointment of school committees for the county. Present school committee appointed.

SEC. 7. This act shall take effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of February, 1897.

CHAPTER 49.

An act to prohibit fast riding or driving across the new iron bridge in Bryson City, North Carolina.

The General Assembly of North Carolina do enact:

SECTION 1. That if any person shall wilfully ride or drive any horse, mule, or other animal faster than a walk over the Iron Bridge across the Tuckaseegee river at Bryson City, Swain county, he shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars, nor more than fifty dollars, or imprisoned not exceeding thirty days: *Provided*, That no person shall be prosecuted nor indicted under the provisions of this Act until posters have been put up at each end of said bridge for at least thirty days before the act complained

Persons riding or driving faster than a walk over the bridge guilty of misdemeanor.

Penalty.
Provide.

Notices to be posted.

of, for which such indictment is had, embracing the following words, shall be written or printed in large and plain letters, to-wit: "All persons are hereby forbidden to ride or drive over this bridge faster than a walk."

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

In the General Assembly read three times, and ratified this 10th day of February, 1897.

CHAPTER 50.

An act to incorporate the Moore County and Western Railroad Company.

The General Assembly of North Carolina do enact:

Corporators.

SECTION 1. That John C. Wadsworth, Rufus A. Brown and Morrison H. Caldwell, and such other persons as they may hereafter associate with them, or their assigns, and their successors, are hereby constituted a body corporate, by the name

Corporate name.

of the "Moore County and Western Railroad Company," and by such name they and their assigns and successors may sue and be sued, plead and be impleaded in all the Courts of this State, and of the United States, may have a common seal, with the right to alter the same at pleasure, may make all by-laws and regulations, expedient or necessary, for the purpose of Incorporation, may purchase, lease, hold and convey all property real and personal, proper or requisite for their corporate purposes, and may have and enjoy all the rights, powers, franchises, immunities and privileges granted by the general laws of the State, not inconsistent with this act.

May build railroad.

SEC. 2. That said company is hereby authorized and empowered to lay out, construct, maintain, equip, and use a Railroad

Location of road.

with one or more tracks, from Southern Pines, Moore county, or Aberdeen, Moore county, or from some point between Southern Pines and Aberdeen, through or into the counties of Moore, Montgomery, Richmond, Anson, Stanly, Union and Cabarrus

May lease to consolidate or connect with other roads.

to Concord in Cabarrus county, North Carolina, or to some intermediate point in said Counties, and to lease to consolidate, or connect with any other Railroad, and power is hereby

Or may sell.

granted to the Moore County Railroad Company to sell all its rights, powers and franchises to said Moore County and Western

Railroad Company, if its Stockholders and Directors shall so desire ; Full power and authority is hereby granted said Moore County and Western Railroad Company to construct, maintain, equip, use and operate any part or parts of said Railroad, without waiting to complete or construct the entire Railroad, and for such purposes the Directors of said company shall have the right and authority to begin the work of laying out and of constructing, equipping and operating said Railroad at its terminus in Moore county, or at Concord in Cabarrus county, or to begin the work of constructing, equipping and operating at both of the terminal points of said Railroad.

May operate part of road before completion of whole road.

May begin work at either terminus or at both.

SEC. 3. That said company is hereby authorized and empowered to construct, maintain, and use a bridge for the transportation of its cars across the Pee Dee River, provided that said bridge shall be so constructed as not to interfere with rafts on said River, and that said company shall provide a draw bridge at said point whenever it shall be necessary for the convenience of boats on said river. Said company is further authorized and empowered to lay out and construct branch roads, whether rail or tram, for the transportation of lumber, ores, or other material or property, or for the transportation of persons to or from any point on the main line of Railroad of said company, and to connect such branch roads with any other Railroad at any point, the Directors of said Moore County and Western Railroad Company may designate for such connection, said road to be operated by steam power, by electricity, or by any other means, or power of propulsion ; and for such purpose said company shall have the right to condemn land for right of way, under the rules and regulations prescribed by general laws of the State.

May bridge Pee Dee river.

Proviso.

May build branch roads.

May connect branch roads with other roads.

May use steam or other power.

May condemn land.

SEC. 4. That the capital stock of said company shall be one million dollars in shares of fifty dollars, each, and may be created by subscriptions on the part of individuals, Counties, Cities, Towns, Townships, or private corporations, and paid in money, land, timber, work, material or otherwise, as may be stipulated.

Capital stock.

SEC. 5. That the persons named in the first section of this act, or such of their number and those associated with them hereafter, as they may designate, shall constitute a board of commissioners to open books at such times and places, as they see fit for the subscription to the capital stock of said company, and when five thousand dollars shall have been subscribed, the commissioners named under this section shall call the stockholders together in such manner, and at such time and place as they deem proper to perfect the organization of said company,

Corporators to open books of subscription.

Meeting to be called when \$5,000 subscribed.

Directors and other officers to be elected.	and the organization of the company shall be perfected by the election of a board of Directors and such other officers in such manner as the stockholders shall determine, and the mode of managing, controlling and conducting the business and affairs of the company in all their details shall be as prescribed in the By-laws and regulations hereinbefore provided for.
Procedure for condemnation of land.	SEC. 6. That when any right of way may be required by the Company for the purpose of constructing their road, and for want of agreement for any cause it cannot be purchased from the owner, the same may be condemned and taken as provided for in section one thousand nine hundred and forty-six of <i>The Code</i> of North Carolina, of Eighteen hundred and Eighty-three, and the right of the Company to condemn land as aforesaid shall extend to the condemning of fifty feet on each side of the main tract of the Railroad, measuring from the center of the same, and the Company shall have power to condemn and appropriate in like manner for the building and erection thereon of Depots, Warehouses, Shops and houses for servants, employees and other purposes, not exceeding two acres in any one lot or place; and it shall be lawful for any Officer, Agent, Surveyor, Supervisor, or employee, of the Company to enter at all times upon all lands or water for the purpose of exploring, leveling, or doing anything necessary or proper for laying out the route of said Railroad, and locating the same and to erect all necessary works and buildings required in their behalf, doing no unnecessary injury to private property. The Commissioners, provided for in this section, shall, before proceeding to act, be sworn by some person authorized to administer an oath, to perform their duties faithfully, speedily and justly to all parties concerned, and their oath, witnessed by the person administering it, shall be filed with their report, and all claims or demands of damages for land or right of way condemned under this act, shall be forever barred from collection unless an action for their recovery shall be commenced within two years from the date of condemnation of said land or right of way.
Amount to be condemned.	
May enter upon lands to locate route.	
Commissioners to take oath.	
Municipal corporations may subscribe to stock of company.	SEC. 7. That upon presentation to the board of Commissioners of any of the counties named in Section 2 of this act, of a petition in writing signed by at least one-fifth of the qualified voters of any of said Counties, of any City, Town, or Township in any of said Counties, requesting said board of Commissioners to submit to the qualified voters of the County, City, Town or Township wherein said petitioners reside, a proposition to subscribe a definite sum named in said petition to the capital stock of said Moore County and Western Railroad Company, it shall be the duty of said board of Commissioners within sixty
Election to be ordered.	

days to order an election to be held at the various polling places in said County, City, Town, or Township, and to submit to the qualified voters thereof, the question of subscribing to the capital stock of said Company the amount specified in said petition at which election, those in favor of said subscription shall vote, "For subscription," and those opposed thereto shall vote, "Against subscription," and the election for this purpose shall be held and conducted in the same manner, and subject to same rules and regulations as are provided for the election of county officers by the general law of the State, as nearly as practicable.

Ballots.

Election held and conducted under general laws.

SEC. 8. That if a majority of the qualified voters of any County, City, Town, or Township shall vote for said subscription, the board of Commissioners of said County, those voting or wherein is located a Township, Town, or City, those voting for subscription, shall within twenty days after the ascertainment of the result of said vote subscribe in behalf, and in the name of said County, Town, City, or Township to the capital stock of the Moore County and Western Railroad Company the amount specified in the petition or petitions on which said election was ordered; and any Township, Town or City may at said election vote for a separate and distinct Township, Town, or City subscription in addition to the County subscription, at the same time it votes for the latter subscription.

If majority of voters for subscription Officers to subscribe.

SEC. 9. That to provide for the payment of said subscription, the board of Commissioners of the County voting said subscription, or wherein is located any Township, Town or City voting subscription, shall issue coupon bonds to the amount of the subscription so authorized, and the bonds shall upon their face indicate on account of what County, Town, City or Township they are issued, and said bonds shall be in denominations of not less than One hundred and not more than One thousand dollars, and shall run for Twenty years and bear interest at the rate of six per centum per annum, payable semi-annually at the First National Bank of Raleigh, North Carolina.

Bonds for subscription to be issued.

Bonds to indicate on face on what account issued. Denominations of bonds.

SEC. 10. That the County authorities legally empowered to levy taxes in any County voting for a subscription or in which is a Township, Town or City voting for subscription for payment of which bonds have been issued as provided for in this act shall in addition to the other Taxes levied upon said County, Town, City, or Township in whose behalf said bonds were issued annually compute and levy at the time of levying other taxes a sufficient tax upon the property and Polls of said County, Town, City, or Township to regularly and promptly pay the interest on the bonds of said County, Town, City, or Town-

Special taxes for payment of bonds.

To be levied and collected as other taxes.

Taxes so levied and collected kept sacred and separate.

Sinking fund to be used in purchase of bonds.

Authorities may transfer stock to persons building road.

Proviso.

Railroad company may make mortgage.

Limitation.

May erect and operate telegraph and telephone lines.

ship issued in behalf of said subscription, and at the same time said authorities shall compute and levy a tax on the property and polls of said County, Town, City, or Township equal to one-twentieth of said bonds for a sinking fund to pay the principal of said bonds, and the taxes for payment of the principal and interest aforesaid, shall be annually collected as other taxes are collected, and paid over by the sheriff or other collecting officer to the County Treasurer, or such other officer as the County Commissioners issuing said bonds shall designate, which officer shall give a good and sufficient qualified bond for the safe keeping and proper disbursement of said taxes, and the taxes levied and collected for those purposes shall be kept sacred and separate and distinct from each other, and all taxes and each shall be used only for the purposes for which it was levied and collected. The sinking fund shall be used yearly in purchasing the identical bonds to pay the principal of which it was levied and collected if possible, but if it is impracticable to annually invest said sinking fund in the purchase of said bonds for the payment of which it was created, the same shall be invested as may be directed by the board of Commissioners issuing said bonds, and the taxes for the sinking fund for the payment of the principal of said bonds shall be levied and collected no longer than is necessary to create a fund sufficient to pay the principal of said bonds.

SEC. 11. That the board of Commissioners of any of said counties issuing bonds, under this act, are authorized and empowered to transfer the stock subscribed by their county or by any Township, Town or City therein to the Moore County and Western Railroad Company, or any other corporation, or person for the completion of said Railroad, *Provided*, that said bonds shall not be used to secure money to build any branch road unless said bonds shall have been issued by a County, Township, Town or City voting a subscription in consideration of the construction of said branch roads.

SEC. 12. That the Moore County and Western Railroad Company may make a mortgage upon its property, and execute first mortgage bonds in such denominations as they may deem best, to run for twenty years, bearing not more than four per centum interest per annum at the rate of not more than twenty thousand dollars per mile.

SEC. 13. That said Moore County and Western Railroad Company is hereby authorized and empowered to erect and operate Telephone and Telegraph lines along the lines of its Railroad, or any branch thereof, for its own use, and is authorized and

impowered to use said line for the benefit of the public, and to charge reasonable compensation therefor, not exceeding the charges made by other lines in the state for similar services.

SEC. 14. That if work on said Railroad shall not be commenced within two years after the ratification of this act, and completed within eight years, then this Charter shall be void. And if thirty miles of continuance line of said Railroad shall not be completed, and in operation within four years after the ratification of this act, then this Charter shall be void.

Work on road to begin in two years and be completed in eight. Thirty miles to be built within four years.

SEC. 15. That none of the stock in said company shall be assessable, nor shall the owner thereof be liable for the obligations, indebtedness, or any liability whatever of said corporation.

Stockholders not personally liable.

SEC. 16. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 10th day of February, 1897.

CHAPTER 51.

An act to prevent the fishing of certain nets in the Albemarle sound and in the rivers emptying therein.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful to set for the purpose of catching fish in the Albemarle Sound, or in the rivers emptying into said sound, any anchor, drift or staked gill nets.

Unlawful to set anchor, drift or staked gill nets.

SEC. 2. That for the purposes of this act all gill nets over twenty yards in length that are moved from place to place during the fishing season, or that may be temporarily or permanently secured or attached to stakes or anchored with anchors or weights or other contrivances for the purpose of holding them in position, or that are permitted to drift from place to place on said waters, shall be deemed to be anchor-staked gill nets or drift nets.

Nets defined.

SEC. 3. That this act shall not apply to such staked gill nets as are not over twenty yards in length and of the kind heretofore in use and fished in said waters prior to Anno Domini eighteen hundred and eighty, and to such drift nets in Roanoke river as do not exceed eighty yards in length, or to such sturgeon-nets as are made of net not less than twenty-eight thread and of a mesh of not less than eleven inches.

Exceptions.

Misdemeanor. SEC. 4. That any person or persons who may either as principal, agent, servant, or employee violate the provisions of this act shall be guilty of a misdemeanor and upon conviction in the Superior Court of any county bordering on the aforesaid sound or bordering on the rivers emptying therein shall be

Penalty. fined not less than one hundred dollars or imprisoned not less than thirty days, or both in the discretion of the court, and in addition to the foregoing penalties shall forfeit and pay the sum of one hundred dollars for each day such nets may be fished, to be recovered in a civil action to be instituted for the recovery thereof by any citizen of this State, the one-half of such recovery to inure to the use and benefit of plaintiff in such action and the other half to inure to the use of the Public school fund.

SEC. 5. All laws and parts of laws in conflict with this act be and are hereby repealed.

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

In the General Assembly read three times and ratified this 10th day of February, 1897.

CHAPTER 52.

An act to abolish the office of enrolling clerk of the General Assembly, if such office now exist by law, and to provide for the election of officers and clerical force for the enrollment of all bills, acts, resolutions, etc., passed by the General Assembly.

Preamble. THAT WHEREAS by Sections 18 and 19 of Art. 2, Constitution of N. C., power is conferred respectively upon the House of Representatives and Senate to choose the officers of their respective bodies ;

AND WHEREAS no provision has been made by law for the election of an Enrolling Clerk and clerical force for enrolling the bills, acts, resolutions, etc., passed by the General Assembly,

by reason of which, a doubt exists as to who has control and supervision of the enrollment of all bills, acts, resolutions, etc., passed by the General Assembly; now therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the office of Enrolling Clerk, if in law such office now exist, be and the same is hereby abolished. Office abolished.

SEC. 2. That hereafter there shall be one person appointed by the Speaker of the House of Representatives, and one by the President of the Senate, who shall be called "Principal Enrolling Clerks," who shall have control and supervision of the enrollment of all bills, acts, resolutions, etc., passed by the General Assembly, and who shall be responsible for the proper enrollment of the same. Speaker of House and President of Senate each to appoint one "Principal Enrolling Clerk." Duties.

SEC. 3. That such Principal Enrolling Clerks shall receive as a compensation for their services Five Dollars per day, and the same mileage received by members of the General Assembly. Compensation.

SEC. 4. There shall also be appointed by the Speaker of the House of Representatives and the President of the Senate, subject to the approval and confirmation of the House of Representatives and the Senate such assistants as they may deem necessary for the proper enrollment of said bills, acts, resolutions, etc. President and Speaker to appoint assistants.

SEC. 5. That such assistants shall receive as a compensation for their services the sum of Five Dollars per day but no mileage. Compensation.

SEC. 6. That this act shall apply to the election of officers for the present session of the General Assembly. To apply to present session.

SEC. 7. That all laws in conflict with this act, be and the same are hereby repealed.

SEC. 8. That this act shall take effect from and after its ratification.

In the General Assembly read three times and ratified this 12th day of Febr'y, 1897.

CHAPTER 53.

An act to regulate the courts of the tenth judicial district.

The General Assembly of North Carolina do enact:

SECTION 1. That the Superior Courts of the several Counties of the 10th Judicial District shall be held at the time hereinafter designated and shall continue for the term hereinafter provided, unless the business be sooner disposed of. Time and length of terms.

Spring terms to remain unchanged.

Proviso.

First week of Ashe court abolished.

SEC. 2. That the Spring terms of said Courts of the several Counties of said District shall be and remain as they are now designated; *Provided* that Chapter 130 of the acts of the General Assembly, public Laws of 1891, be amended by striking out the word "sixth" in line seven after the word "the" and before the word "Monday" and insert in lieu thereof the word seventh; and in line eight of same Chapter strike out the word "two" after the word "continue" and before the word "weeks" and insert in lieu thereof the word "one" so as to apply to the County of Ashe only.

Additional terms.

Catawba county.

Ashe county.

Watauga county.

Mitchell county.

Yancey county.

McDowell county.

Burke county.

Caldwell county.

Catawba county.

Ashe county.

Watauga county.

Mitchell county.

July and August terms of Ashe and Watauga for jail and civil cases only.

SEC. 3. That in addition to the terms hereinbefore designated "Spring Terms" for the several counties of said tenth District, the following additional terms shall be held for the said several Counties in the manner and time hereinafter following, to-wit: Catawba on the 1st Monday after the 4th Monday in June to continue one week. Ashe on the 4th Monday after the 4th Monday in June to continue two weeks. Watauga on the 6th Monday after the 4th Monday in June to continue one week. Mitchell on the 8th Monday after the 4th Monday in June to continue two weeks. Yancey on the 10th Monday after the 4th Monday in June to continue two weeks. McDowell on the 12th Monday after the 4th Monday in June to continue two weeks. Burke on the 14th Monday after the 4th Monday in June to continue two weeks. Caldwell on the 16th Monday after the 4th Monday in June to continue two weeks. Catawba on the 18th Monday after the 4th Monday in June to continue two weeks. Ashe on the 20th Monday after the 4th Monday in June to continue one week. Watauga on the 21st Monday after the 4th Monday in June to continue one week. Mitchell on the 22nd Monday after the 4th Monday in June to continue one week.

SEC. 4. That the terms herein mentioned for the counties of Ashe and Watauga commencing on the 4th Monday after the 4th Monday in June and the 6th Monday after the 4th Monday in June respectively, shall not be Grand Jury terms, but shall be for the trial of all civil cases whatsoever and all State cases where prisoners are confined in the jails of said counties upon indictments formed prior to such said terms.

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.

In the General Assembly read three times and ratified this 3d day of March, 1897.

CHAPTER 54.

An act to authorize the commissioners of Robeson county to hire out the chain gang.

The General Assembly of North Carolina do enact :

SECTION 1. That the Board of Commissioners of Robeson County may, and is hereby empowered to hire out the Chain Gang of said County in a Body, to any citizen or citizens of said County, either individually or collectively, as in the discretion of said Board of Commissioners may seem best for said county's interest : *Provided*, that no Female be compelled to work in said Chain Gang. Board authorized to hire out chain gang.
Proviso.

SEC. 2. That all Laws, or clauses of Laws, in conflict with this Act, be and the same are hereby repealed.

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

In the General Assembly read three times. Ratified this the 13th day of February, 1897.

CHAPTER 55.

An act for the relief of C. M. Griffith, late sheriff of Davidson county.

The General Assembly of North Carolina do enact :

SECTION 1. That C. M. Griffith, late sheriff of Davidson County, be and is hereby authorized to collect all arrears of taxes due for the years Eighteen hundred and ninety-one (1891), Eighteen hundred and ninety-two (1892), Eighteen hundred and ninety-three (1893) and Eighteen hundred and ninety-four (1894) : *Provided*, that no person shall be compelled to pay any tax under this act who shall make an affidavit before any one authorized to administer oaths that the same has been paid. *Provided, further*, that the provisions of this bill shall not apply to taxes on trust estates in the hands of Guardians, Executors and Administrators. To collect arrears of taxes for 1891-92-93-94.
Proviso.

SEC. 2. That he, his executors and administrators, and those he may select to aid in such collections, shall have and are To have power of Sheriffs.

hereby invested with, the same power 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.

Limitation.

SEC. 3. That all authority under this act shall cease by twelve (12) o'clock P. M. on the night of December 25th, Eighteen hundred and ninety-seven (1897).

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

In the General Assembly read three times, and ratified this 13th day of February, 1897.

CHAPTER 56.

An act to amend the charter of the Wellington and Powells-ville Railroad Company.

The General Assembly of North Carolina do enact:

Company to
build standard or
narrow gauge at
its option.

SECTION 1. That Section 2 of the Articles of Association, filed by the Wellington and Powellsville Railroad Company, with the Secretary of State on 25th day of October, 1893, be so amended as to permit said Company to build and maintain a standard gauge or narrow gauge railroad at its option, from Windsor, North Carolina, to the town of Ohoskie in Hertford County, and the said Company for such purpose is hereby authorized and empowered at its will to discontinue its present line of railroad or such part thereof as it may deem necessary for such purpose as has been heretofore built between Wellington and Powellsville.

New termini.

May abandon
present road.

May extend road.

SEC. 2. That after the completion of such road between Windsor and Ohoskie, the said Company is empowered and authorized to extend and build the same between Windsor and such points on the Roanoke river in Bertie county, as it may hereafter determine upon.

Capital stock.

SEC. 3. That Section 3 of the said Articles of Association be so amended as to read: That the Capital stock of this Company shall be \$125,000, but at the option of the Company be raised to \$300,000, and shall be divided into shares of \$100 each.

Duration.

SEC. 4. That Section 9 of said Articles of Association be and are hereby so amended as to read: This Company shall exist and be in force and effect for a period of one hundred years.

SEC. 5. That said Company be and is hereby authorized to build, own and operate such boats, steam boats, barges and vessels as may be necessary in the transportation of passengers and freight in connection with the said lines of railroad. May operate steamboats, &c.

SEC. 6. That said Company shall have power to build from time to time such branches or lateral roads upon and adjoining its main track as in its judgment the best interest of the Company may require, not exceeding 12 miles in length, with such depot and other facilities and privileges as are now, or may be allowed the main road. May build branches.

SEC. 7. That the Capital of the said Company may be subscribed and paid for by subscription on the part of individuals or other private corporations in money, land, bonds, timber, labor or otherwise as may be stipulated. Stock, how subscribed and paid for.

SEC. 8. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 13th day of February, 1897.

CHAPTER 57.

An act to prevent public drunkenness.

The General Assembly of North Carolina do enact :

SECTION 1. That any person found drunk or in intoxicated on the public highway, or public road, or at any public meeting, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars or be imprisoned not exceeding thirty days. Public drunkenness a misdemeanor. Penalty.

SEC. 2. That upon complaint before any Justice of the Peace he shall forthwith issue a warrant for the arrest of the accused, and in the absence of a duly authorized officer to execute said warrant shall depute any citizen to execute the same: *Provided*, That this act shall only apply to the Counties of Buncombe, Transylvania, and Henderson. Justice to issue warrant. May deputize any citizen to execute same. Counties affected.

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

In the General Assembly read three times, and ratified, this 13th day of February, 1897.

CHAPTER 58.

An act to prohibit timber or other obstruction from being left hanging in the Yadkin river.

The General Assembly of North Carolina do enact :

Unlawful to fell and leave hanging any obstruction in Yadkin river.

Misdemeanor.
Penalty.

SECTION 1. That it shall be unlawful for any person or persons to fall and leave hanging any timber or other obstruction on either bank of the Yadkin river from Rockford, North Carolina, to Speas' ferry.

SEC. 2. That any person or persons violating Section 1st shall be guilty of a misdemeanor and shall be fined not less than ten dollars (\$10.00) nor more than (\$25.00) twenty-five dollars.

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

In the General Assembly read three times and ratified this 15th day of February, 1897.

CHAPTER 59.

An act permitting trapping and killing deer at any time in Columbus county.

The General Assembly of North Carolina do enact :

Lawful to kill deer at any time in Columbus county.

General repealing clause.
Chapter 232,
Laws of 1896,
repealed.

SECTION 1. That it shall be lawful at any time for any person to hunt with gun, chase with dog, kill or destroy any deer running wild in the woods, in the County of Columbus.

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

SEC. 3. That Chapter 232 of the Public Laws of one thousand eight hundred and ninety-three, entitled An Act to regulate trapping and deer hunting in Columbus County, be and the same is hereby repealed.

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

In the General Assembly read three times, and ratified this 15th day of February, 1897.

CHAPTER 60.

An act permitting fish to be caught in any manner in the waters of Columbus county.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be lawful for any person to catch or take fish from any and all streams, lakes and other waters in the County of Columbus, at any time and by any means whatsoever : *Provided*, this act shall not be construed to permit any person to commit a trespass on the lands of another, after being forbidden to enter thereon : *Provided, further*, this act shall not apply to Lake Waccamaw, or any stream or other waters within one-half mile of said Lake.

Lawful to catch fish in Columbus county at any time and by any means.

Proviso.

Further proviso.

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.

In the General Assembly read three times and ratified this the 15 day of February, 1897.

CHAPTER 61.

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

The General Assembly of North Carolina do enact :

SECTION 1. That the Commissioners of Pamlico County be, and they are hereby authorized and empowered to levy a special tax at the same time with other levies, upon all the taxable property and Polls of the said county, for the years 1897 and 1898; the said special tax to be applied to the payment of the debt of said County.

Special tax for 1897 and 1898 authorized.

To pay debt of county.

The said special tax levy shall not exceed the sum of thirty-three and one-third cents (33 $\frac{1}{3}$) on the one hundred dollars valuation of property in said County. And in the making said levy, the said Commissioners shall observe the Constitutional equation between the property and Poll.

Limitation.

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

Tax to be collected as other taxes.

And applied to no other purpose.

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

In the General Assembly read three times. Ratified this the 15th day of February, 1897.

CHAPTER 62.

An act to authorize the board of commissioners of Harnett county to issue bonds, and to levy a special tax for the special purpose of funding and paying the existing debt of said county, and for other special purposes.

Preamble.

WHEREAS, the County of Harnett is indebted to the estate of Henry Lilly, deceased, by judgment rendered on debts contracted for the necessary expenses of the county, and is also indebted on outstanding warrants issued for necessary expenses of the county, and it is necessary and desirable to compromise, settle and fund said indebtedness; and

WHEREAS, by reason of the destruction by fire of the Court House of said county, it is necessary to provide Court House facilities for said county; and

WHEREAS, it is necessary for said special purposes, to issue bonds and to levy and collect a special tax for the payment thereof and the interest thereon; therefore,

The General Assembly of North Carolina do enact:

Purposes of act.

SECTION 1. That for the special purposes of settling, compromising, paying and funding the said existing indebtedness of the county of Harnett to the estate of Henry Lilly, deceased, contracted for the necessary expenses of said county, at the rate of fifty per cent. of the principal and interest thereof, and of funding and paying the other indebtedness of said county contracted for necessary expenses and existing on the first day of January, 1897, and for building a suitable Court House for said county, the Board of Commissioners of said county are hereby authorized and empowered to issue bonds of the county to an amount not exceeding thirty thousand dollars in denominations of not less than fifty nor more than five hundred dollars with interest coupons attached, calling for interest at the rate of six per centum per annum upon the principal of each bond, said interest coupons to be payable annually on the first day of January of each year, and at such place and places as the said commissioners may deem advisable, said bonds to be due and payable at such time or times, not exceeding twenty years from their date as said commissioners may determine, and shall be dated as of the first day of January next preceding the issue of said bonds, but the board of Commissioners may pay them sooner, and a tender of payment and a refusal to accept the same, shall relieve the said county from any

Bonds to be
issued.
Amount.
Denominations.
Interest.

Term of bonds.

liability to pay interest accruing after such tender and refusal :
Provided, that the amount of bonds issued for the building of the Court House shall not exceed ten thousand dollars. Proviso.

SEC. 2. That for the special purpose of paying interest on said bonds as it accrues, and the principal thereof at maturity, the board of commissioners of said county shall, at the time of levying other taxes, and annually until the principal and interest of said bonds shall be fully paid, levy a special tax on all the taxable property, real and personal, and on all taxable polls in said county, which tax shall not be more than fifteen cents nor less than ten cents on the one hundred dollars valuation of property, and not more than forty-five cents and not less than thirty cents on each poll. Said taxes shall be collected in the same manner as other taxes are collected, and shall be applied exclusively to the payment of the interest accruing on, and the principal of said bonds at maturity, or when called in for payment. Special tax.

Limitation.

To be collected as other taxes.

SEC. 3. That if, after the payment of the costs of collection and the interest accrued on the bonds issued, there shall be a surplus any year, the same shall be used in the purchase at not a greater price than par value of any of said bonds outstanding, and in case none have been purchased, then said surplus shall be securely invested by the board of county commissioners until the maturity of said bonds at such rate of interest as may be agreed upon. Whenever there shall be such surplus it shall be the duty of the county commissioners to advertise in some newspaper published in the county, and also in one published in Fayetteville, North Carolina, for the purchase of such amount of bonds as said surplus will enable them to buy at par or less, and the least price offered shall be accepted to the extent of such surplus. Surplus of tax to be used in purchase of bonds.

Or securely invested.

Advertisement.

SEC. 4. That the coupons on said bonds shall be receivable at their par value in payment at all county taxes or other county dues. Coupons receivable in payment of county taxes.

SEC. 5. That any executor or administrator of any deceased creditor of said county may, in compromise and settlement of any debt due by said county of Harnett to the estate of his intestate or testator, accept a less sum than is actually due on said debt, and may take the bonds herein authorized to be issued at their par value in settlement of such debt on the compromise agreed upon, and may pay and discharge with said bonds at their par value the share or portion which any distributee, or legatee, or the executor or administrator of any distributee or legatee, is or would be entitled to receive of the debt Executors or administrators of county creditors may accept compromise.

May take payment in county bonds.

And use same in settlement.

so compromised if collected in money instead of being funded and paid in bonds; and the executor or administrator of any deceased distributee or next of kin or legatee of any deceased creditor of said county shall, if the same be tendered, accept such bonds at their par value in payment or settlement of the share or portion to which his testator or intestate may be entitled of the debt so compromised.

How bonds to be issued, signed and attested.

SEC. 6. That the bonds hereby authorized to be issued shall be issued by the chairman of the board of commissioners and countersigned by the clerk of the Board and attested by the seal of the county, and the said clerk shall keep in a book suitable for the purpose a complete record of the number and date of issue and the amount of each bond, and of the date of redemption or payment of each bond.

Record to be kept.

SEC. 7. That all laws or clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 8. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 15th day of January, 1897.

CHAPTER 63.

An act requiring Secretary of State to furnish certain books to Forsyth county.

WHEREAS, The County of Forsyth was created by an act of the General Assembly, and has not been furnished with the North Carolina Supreme Court reports to the seventy-fifth, inclusive. Now, therefore,

The General Assembly of North Carolina do enact:

Secretary to furnish books from 1 to 75 inclusive.

SECTION 1. That the Secretary of State be and is hereby authorized and instructed as soon as this act is ratified, to furnish without charge to the Clerk of the Superior Court of Forsyth County, to be kept in the Court House of said County, for the benefit of said County, one copy of each volume of the reports of the Supreme Court of North Carolina from the first to the seventy-fifth Report, inclusive.

SEC. 2. That the Secretary shall not be required to furnish any Books not on hand, except such as are being reprinted, which shall be furnished as soon as finished, and turned over to the Secretary of State.

Books not on hand not to be furnished except as reprinted by State.

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

In the General Assembly read three times and ratified this 12th day of February, 1897.

CHAPTER 64.

An act in relation to live stock in Halifax county.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be lawful for live stock to run at large in Halifax county from the 25th of December to the 25th of March.

Stock to run at large from 25th December to 25th March.

SEC. 2. That all laws in conflict with this act are hereby repealed in so far as they prohibit live stock from running at large in Halifax county between said dates.

Repeal.

SEC. 3. That Chapter 107, Laws of 1885 be amended by striking out "twenty-five" in the third and fourth lines of section two of said chapter and inserting the word "ten" in lieu thereof.

Impounding fee reduced to ten cents.

SEC. 4. That Chapter 107, Laws of 1885 be amended by striking out after the word "by" in line 9 of Section 2 of said chapter the remainder of said section and insert the words "Justice of the Peace."

Damages and charges to be fixed by Justice of the Peace.

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

In the General Assembly read three times and ratified, this the day of February, 1897.

CHAPTER 65.

An act to authorize the county commissioners of Richmond county to issue bonds to pay the floating debt of said county.

The General Assembly of North Carolina do enact :

SECTION 1. That the County Commissioners of Richmond County, for the purpose of paying off the outstanding floating

Commissioners to issue bonds.

Amount.	indebtedness of said County, on the first day of July eighteen hundred and ninety-seven (1897) are authorized and empowered to issue bonds, bearing interest at the rate of Six per centum per annum (6 %), to the amount of Twelve Thousand Dollars,
Denomination.	or so much thereof as may be necessary, of the denomination of one hundred dollars, to each and every of which shall be attached Coupons representing the interest on said bonds, which said Coupon shall be due and payable on the first day of January and July of each year, until the bonds shall become due.
Bonds and coupons to be numbered.	The bonds so issued by the said Commissioners, shall be numbered consecutively from one to one hundred and twenty, and the Coupons shall bear the number corresponding to the Bond to which they are attached, and shall declare the amount of interest which they represent, and when the interest is due, and shall be receivable in payment of all County taxes.
Coupons receivable for county taxes.	SEC. 2. That the said bonds shall be issued under the signature of the Chairman of the Board of County Commissioners and shall be attested by the Register of Deeds, under the official seal of the Board of County Commissioners of said County; and the said Chairman of the County Commissioners shall, under the direction of the Board of Commissioners of said County, dispose of said Bonds at a sum not less than their par value:
How bonds issued, attested and disposed of.	<i>Provided</i> , That the issue and sale of said Bonds shall cease at the discretion of said Board of County Commissioners.
Proviso.	SEC. 3. That said Bonds shall be dated as of the First day of July One thousand eight hundred and ninety-seven (1897), and shall be due and payable within fifteen years from and after said Date; and when said bonds are sold, the Coupons calling for the interest accrued between date of said bonds and the date of sale of same nearest July or January, shall be detached.
Date and maturity of bonds.	SEC. 4. That One thousand dollars of said bonds shall become due and payable three years after the date thereof, viz.—On the first day of July Nineteen hundred (1900); and one thousand dollars shall become due and payable on the first day of July of each succeeding year thereafter, until all shall be paid—which time of payment shall be expressed on the face of said bonds, together with the place where the same shall be payable.
When bonds become payable.	SEC. 5. That the Commissioners of said County are hereby authorized, at the time of levying other County taxes, to levy annually an additional special tax sufficient in amount to pay the interest upon said bonds, and as much of the principal of said debt as may fall due during the next succeeding year after such levy, together with the costs and charges incident to said tax, upon all subjects of County taxation in said County as
Commissioners to levy special tax.	

aforesaid, until the final payment of said bonds shall be provided for, maintaining the Constitutional equation between property and Poll.

SEC. 6. That said taxes shall be collected by the Sheriff of said County, whose Bond shall be liable therefor as for other County taxes, and he shall pay over the same to the County Treasurer in like manner as other County taxes are paid ; and said taxes shall be used for the payment of said bonds and interest, as due and payable ; and the fund arising from said taxes, over and above the costs incident thereto, shall be applied to no other use than the payment as aforesaid : *Provided, however,* That if there is any amount over, after all bonds herein provided for and issued are paid, the same shall be turned over to the Public School Fund of Richmond County.

How special taxes collected.

Proviso.

SEC. 7. That the bonds herein provided for shall be exempt from County and municipal tax.

Bonds exempt from County and Municipal tax.

SEC. 8. That the Commissioners of said County shall provide a record, which shall be kept by their Clerk, in which shall be entered the name of every purchaser of a bond and the number of the bond purchased. They shall also cause to be kept a record of the bonds redeemed annually, and the bonds, when redeemed and recorded, shall be destroyed by fire, in the presence of the Board of Commissioners by some one of their number, or by their Clerk under their direction.

Bonds to be recorded.

SEC. 9. That this act shall be in force from and after its ratification.

In the General Assembly read three times. Ratified this the 16th day of February, 1897.

CHAPTER 66.

An act to abolish Hertford county criminal court, and transfer the records and business of the same to superior court for this county.

The General Assembly of North Carolina do enact :

SECTION 1. That the Criminal Court of Hertford County, established and now existing under the provisions of chapter three Hundred (340) and forty, laws of one thousand eight hundred and ninety-one (1891) and chapter one hundred and fifty-four (154) of the laws of one thousand eight hundred and

Court abolished.

seventy-six, and seventy-seven, brought forward in *The Code*, chapter twenty-one, section eight hundred and two (802), and the other section therein contained, be and the same is hereby abolished.

Cases now pending and records transferred to Superior Court.

SEC. 2. That all cases now pending in said Criminal Court and the records thereof are hereby transferred to the Superior Court of the said county of Hertford, and all recognizance, subpoenas, or obligations thereafter taken by any officers of the Law shall be taken and made returnable to the next succeeding term of the said Superior Court of said county of Hertford.

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

SEC. 4. That this act shall take effect and be in force from and after the 10th day of April, 1897.

In the General Assembly read three times and ratified, this 16th day of February, 1897.

CHAPTER 67.

An act to allow Franklin county to issue bonds to pay outstanding indebtedness.

The General Assembly of North Carolina do enact :

Notice to creditors to be published.

SECTION 1. That in order to ascertain the outstanding indebtedness of the county of Franklin and to provide for the payment of the same, the Board of Commissioners of said County shall have authority and power to give Public notice for (6) six weeks, in one (1) or more newspapers published in said County, and by notices posted at (1) one or more public places in each township in said County, requiring all persons holding orders or County script against said County, to present them to the clerk, *ex officio*, of said Board, on or before the first Monday in June, One thousand eight hundred and ninety-seven (1897). And the Board of Commissioners of said County shall not be compelled to pay any order or script which is not presented within said time, but may plead this notice in bar of payment of same.

Commissioners to issue bonds.

SEC. 2. For the purpose of paying the just indebtedness of said County, ascertained either by the method set forth in section one hereof or by a computation of the Audit Book of said County, as the said Commissioners may deem most advisable, the said Commissioners shall have power and authority to issue

Bonds in sums not exceeding Five hundred dollars (\$500.00), and not less than one hundred dollars (\$100.00), with coupons attached for the payment of interest semi-annually; which said interest shall not exceed six (6) per centum per annum. Denomination.

Said bonds shall run for not to exceed ten (10) years, and shall not be issued for less than their face value.

The said Commissioners are authorized to pay off one tenth ($\frac{1}{10}$) of said bonds each year, beginning one year after they shall have been issued, and retiring them in the order in which they are issued, that is to say;—the one-tenth ($\frac{1}{10}$) thereof bearing the lowest serial number shall be first redeemed; the one-tenth ($\frac{1}{10}$) bearing the next lowest serial number, shall be redeemed the next year, and so on till all are redeemed. Said Maturity of bonds.

bonds and coupons shall be signed by the Chairman of the Board of Commissioners for said County, and counter-signed by the clerk of said Board and the seal of said Commissioners affixed thereto; and the said Clerk shall keep in a suitable book, an account of the bonds issued, their number, amount, date of issue and to whom issued; also the number and amounts of all bonds or coupons received and cancelled, so that an inspection of said books will at all times show the true state of the County indebtedness. How bonds to be signed and attested.

For these services the Clerk shall receive a reasonable compensation, to be fixed by the Board of Commissioners. Record to be kept.

SEC. 3. For the purpose of paying said bonds as they mature, the said Board of Commissioners shall have authority to assess and levy a special tax, not to exceed the amount that may annually become due. Said special tax shall not exceed fifteen cents (15c.) on each one hundred dollars (\$100.00) worth of property and forty-five cents (45c.) on each Poll, and shall be levied and collected as other taxes are levied and collected. Special tax to be levied.

SEC. 4. The official bond of the sheriff of Franklin County shall be liable for the faithful collection and payment of any taxes authorized to be collected by this act, and the official bond of the Treasurer of said County, shall be liable for the faithful custody and application of any sums that may be paid into the Treasury of said County; whether from the proceeds of bonds authorized by this act or from special taxes. Sheriff's bond liable for special tax.

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

In the General Assembly read three times. Ratified this the 16th day of February, 1897.

CHAPTER 68.

An act regulating the probate and registration fees on crop liens.*The General Assembly of North Carolina do enact :*

Probate and registration fee.

SECTION 1. That the probate fee on crop liens shall be ten cents and the registration fee shall be twenty cents.

Counties to which act applicable.

SEC. 2. That this act shall apply only to the counties of Cleveland, Union, Franklin, Chatham and Mecklenburg.

SEC. 3. That all laws and clauses of law in conflict with this act are hereby repealed.

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

In the General Assembly, read three times and ratified, this 16th day of February, 1897.

CHAPTER 69.

An act for the relief of J. G. Grant ex-sheriff and tax collector of Henderson county.*The General Assembly of North Carolina do enact :*

Time for collection of arrears extended.

SECTION 1. That the time for the collection of taxes for 1894, 1895 and 1896 as shown by unpaid balances, on the several lists in the hands of J. G. Grant Ex-sheriff and Tax Collector of Henderson County, whether for general county purposes, or special county or township purposes, or special taxes under Schedule B and C, shall be extended until the first day of January 1898 and that the said J. G. Grant whether as Ex-sheriff or Tax collector for said county, shall have all the powers and authority to collect the unpaid taxes or balance on taxes now due on said lists in his hands for 1894, 1895 and 1896, that he had under the law, as applicable to said lists prior to the date upon which he was required to settle said taxes, and that for the purpose of making his said powers herein granted effectual, he may levy upon and sell personal and real property on any legal sale day up to and including January 1st, 1898, in like manner as now exists under the tax laws passed by the Legislature of 1895.

Powers of sheriff extended.

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

In the General Assembly read three times and ratified this — day of February, 1897.

CHAPTER 70.

An act to incorporate the Pinehurst railroad company.

The General Assembly of North Carolina do enact :

SECTION 1. That James W. Tufts, Leonard Tufts, R. M. Couch and William F. Jenney, their associates, successors and assigns, be and they are hereby constituted a body politic and corporate, under the name of the "Pinehurst Railroad Company," and under that name and style shall have succession for ninety-nine years, and shall have power in their corporate name to sue and be sued, implead and be impleaded, in all the Courts of this State and of the United States; may have a common seal, with right to alter the same at pleasure; may make such by-laws, rules and regulations as they may deem necessary or expedient, not inconsistent with the laws of this State or of the United States: and shall have right to lease, purchase, hold and convey such lands, tenements, goods and chattels as may be necessary or expedient for the purposes of this corporation, and may have and enjoy all the rights, powers, franchises, privileges and immunities conferred upon railroad companies in this State.

Corporators.

Corporate name.

Corporate powers.

SEC. 2. That said Company is hereby authorized and empowered to survey, build, construct, equip, maintain and operate a railroad, with one or more tracks, to be run by horse-power, steam, electricity or otherwise, in the discretion of the stockholders, from Southern Pines, in the county of Moore, in the State of North Carolina, to Pinehurst, in said County and State.

Railroad.

SEC. 3. That said Company is hereby authorized and empowered to suspend the running of cars on its said railroad and the operation of the same between Southern Pines and Pinehurst, from the first day of May until the fifteenth day of November in each and every year, whenever in the opinion of the stockholders or a majority in interest of the same it shall be expedient to do so.

Operation of road may be suspended from 1st May to 15th September.

SEC. 4. That the Capital stock of said Company shall be fifteen (\$15,000) thousand dollars, divided into 600 shares of the par value of twenty-five dollars each, with the privilege and power of increasing the same from time to time to such amount not exceeding one hundred thousand dollars, as a majority in interest of the stockholders may agree upon in any regular or called meeting.

Capital Stock.

SEC. 5. That the corporators herein named, or a majority in interest of the same, may cause books of subscription to the

Books of subscription to be opened.

Meeting for organization.

capital stock of the company to be opened at such times and places as may be appointed by said corporators, or a majority in interest of the same; and said corporators, or a majority in interest of the same, at any time after the sum of fifteen thousand dollars has been subscribed to the capital stock of said company, and ten per centum thereof has been paid, shall be authorized and empowered to call together the subscribers to the capital stock of said company for the purpose of completing the organization thereof in accordance with the provisions of this act.

Directors.

SEC. 6. That at the time of such organization, and annually thereafter, such stockholders or a majority in interest of the same, shall select from their number not less than three nor more than seven directors of said company, who shall hold their offices for one year and until their successors are elected and qualified: and the directors chosen at such meeting, and annually thereafter, shall elect one of their number president of said company, and shall elect a secretary and treasurer, and such other officers as may be provided for in the by-laws of said company, who shall hold their offices one year and until their successors are elected and qualified, and shall fill any vacancy that may occur in any of said offices by death, resignation or otherwise; that in all elections provided for in this act each share of stock, represented in person or by proxy shall be entitled to one vote.

President and other officers.

How vacancies filled.

Meetings of stockholders.

The meetings of the stockholders and directors shall take place at such times and places as may be provided for in said by-laws.

Certificates of stock, how transferred.

SEC. 7. That said company shall issue certificates of stock to its members and stock may be transferred upon the books of said company in such manner and form as its by-laws may prescribe.

Company may have land condemned.

May sell or lease property and franchise.

May purchase bonds or stock of other railway company. Or consolidate with same.

SEC. 8. That said company shall have the right to have land condemned for right-of-way and for necessary warehouses and other buildings, according to existing laws, and shall have full power and authority to sell or lease its road-bed property and franchise to any other corporation or person, and to purchase or lease and hold the bonds or stock of any other railroad company, or to consolidate with any connecting line of railroad.

SEC. 9. That all laws in conflict with this act are hereby repealed.

SEC. 10. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 16th day of February, 1897.

CHAPTER 71.

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

SECTION 1. That where in line nine of the Acts of this session of said General Assembly entitled, "An act to authorize the commissioners of Robeson county to levy a special tax," ratified the 6th day of February, 1897, the word "question" appears it shall be read "equation."

Word "equation" substituted for word "question."

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

In the General Assembly read three times and ratified, this 16th day of February, 1897.

CHAPTER 72.

An act to protect the traveling public in Vance county.*The General Assembly of North Carolina do enact :*

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 which runs along or parallel to any railway in Vance County.

Unlawful to erect barbed wire fence along public road parallel to railway in Vance county.

SEC. 2. That this act shall be in force from and after the first day of June, 1897.

In the General Assembly read three times and ratified this — day of February, 1897.

CHAPTER 73.

An act to create a new township in Jackson county to be called Greens creek township.*The General Assembly of North Carolina do enact :*

SECTION 1. That a new Township to be called "Greens Creek Township," is hereby created in the County of Jackson, to be taken from Savannah Township, and bounded as follows; beginning in the line of Macon and Jackson counties, near the cherry

New township created.
Name.

Boundaries.

tree spring on the divide between Brushy fork and Savannah Creek, and runs with the divide of said creek, to the Lakey Knob; then east with hight of ridge to E. M. Cabe's white oak corner; then with said Cabe's line (known as the Reed line,) to the shoal of Reed branch, then with said branch crossing Savannah Creek at its mouth to the grave yard ridge; then to the grave yard lot; then with divide between Wm. R. Buchanan's place and East fork creek to Webster Township line; then with said line to Dillsboro Township line; then with that line to Barkens Creek Township line; then with that line to Swain County line; then with said county line to Macon County line; then with said line to the beginning.

Rights and
powers.

Voting place.

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

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

In the General Assembly read three times and ratified this 18th day of February, 1897.

CHAPTER 74.

An act for the protection of game in Warren county, and for the regulating of hunting and shooting of same.

The General Assembly of North Carolina do enact :

Unlawful to kill
game between
15th March and
10th October.

SECTION 1. That no person shall kill, shoot, trap, net or hunt any Partridges, Quail, Doves, Robins, Larks or Wild Turkeys in the County of Warren between the fifteenth day of March and the tenth day of October in each year.

Unlawful to kill
wild turkeys at
bait.

SEC. 2. That no person shall kill or shoot any Wild Turkeys at bait in the County of Warren.

Misdemeanor.
Penalty.

SEC. 3. Any person violating either of the sections of this act shall be guilty of a misdemeanor and upon conviction, fined not more than fifty "\$50.00" Dollars, or imprisoned not exceeding thirty "30" days for each offence.

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

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

In the General Assembly read three times, and ratified this 18th day of February, 1897.

CHAPTER 75.

An act to repeal chapter one hundred and eighty-six of the public laws of 1895.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter One hundred and Eighty-six of the public laws of Eighteen hundred and ninety-five "1895" be, and the same is hereby repealed. Law appointing tax collectors for Wake county repealed.

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

In the General Assembly read three times and ratified this 18th day of February, 1897.

CHAPTER 76.

An act to extend the boundary line of Grisom school district No. (41) in Granville county.

The General Assembly of North Carolina do enact:

SECTION 1. That the boundary line of School District No. (41) forty-one, in the county of Granville, be and the same is hereby extended from the intersection of the Cedar Grove road with the Wake county line, and along said line to New Light creek, thence up said creek with the north fork to its source near the Franklinton road, thence with said road the present boundary line to beginning. Boundary.

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

In the General Assembly read three times and ratified this 18th day of February, 1897.

CHAPTER 77.

An act to amend the bird law, relative to Stokes county.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person to hunt with gun or dogs, on the land of another in the county of Stokes, without leave obtained of the owner, and any person violating this act, shall be guilty of a misdemeanor and shall be fined not exceeding fifty dollars, or imprisoned not exceeding thirty days. Unlawful to hunt on other persons lands without permission. Misdemeanor. Penalty.

Unlawful to hunt
or trap par-
tridges or quail.
Misdemeanor.
Penalty.

SEC. 2. That any person who shall net or trap partridges, or quail in the county of Stokes, shall be guilty of a misdemeanor and shall be fined not exceeding fifty dollars, or imprisoned not exceeding thirty days.

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

In the General Assembly read three times and ratified this 18th day of February, 1897.

CHAPTER 78.

An act for the relief of the town of Monroe, in the county of Union.

Preamble.

WHEREAS, on the 15th day of December, A. D. 1891, the town of Monroe in the county of Union voted to subscribe the sum of Fifteen Thousand dollars to the Capital Stock of the Roanoke and Southern Railway Company, under and by virtue of Chapter 87 of the Laws of 1887, and of Chapter 95 of the Laws of 1889 amendatory thereof; and

WHEREAS, the said subscription was voted by the said Town upon the idea and assurance that the said Railway would be speedily built and completed to the Town of Monroe, North Carolina; and

WHEREAS, since the voting of the said subscription, nothing has been done towards building and completing said Railway, now, therefore,

The General Assembly of North Carolina do enact:

Bonds heretofore
voted not to be
issued.
Subscription to
road void.

SECTION 1. That no bond shall be issued by Commissioners under the said Acts, to the said Roanoke and Southern Railway, and the said subscription, voted by the said Town is hereby declared to be null and void, and the said town is hereby absolved from all liability therefor.

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

In the General Assembly read three times and ratified this 18th day of February, 1897.

CHAPTER 79.

An act for the protection of cattle owners in Tyrrell county.*The General Assembly of North Carolina do enact :*

SECTION 1. That the owners of cattle in the ranges of the county of Tyrrell are hereby privileged to kill, take or capture any of their cattle which they can identify, or any unmarked cattle running at large in the said ranges of said county.

Owners of cattle to kill their own or unmarked cattle.

SEC. 2. That any person, other than the owner, who shall wilfully kill, take or capture any of said cattle running at large in said ranges shall be guilty of a misdemeanor, and upon conviction fined, not exceeding fifty dollars or imprisoned not more than thirty days.

Persons other than owner killing cattle guilty of misdemeanor. Penalty.

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

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

In the General Assembly read three times. Ratified this the 18th day of February, 1897.

CHAPTER 80.

An act to pay Y. H. Cox, a teacher of Randolph county, for services as school teacher in said county during the year 1896.*The General Assembly of North Carolina do enact :*

SECTION 1. That the treasurer of Randolph County is hereby authorized to pay Y. H. Cox the sum of twenty Dollars (\$20.00) out of the School Funds which shall be appropriated to School District Number 28, White Race, for the year 1897, for his unpaid service as teacher for said district during the year 1896, when a proper voucher therefor shall be presented after said appropriation.

Treasurer of Randolph county to pay. Amount.

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

In the General Assembly read three times. Ratified this the 18th day of February, 1897.

CHAPTER 81.

An act to protect deer in Hyde county.

The General Assembly of North Carolina do enact :

Unlawful to kill
deer in woods
from 15th Febru-
ary to 1st
August.

SECTION 1. That it shall be unlawful for any person to hunt with gun or chase with a dog, or kill or destroy any deer running wild in the woods in the county of Hyde, between the fifteenth day of February and the first day of August, next thereafter ensuing, unless in an enclosure surrounded by a sufficient fence, at least five feet high, and where such person shall have a lawful right so to do.

Misdemeanor.

SEC. 2. Any person violating section first of this act, shall be guilty of a misdemeanor.

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

In the General Assembly read three times. Ratified this the 18th day of February, 1897.

CHAPTER 82.

An act to protect deer, quail and partridges in Dare county.

The General Assembly of North Carolina do enact :

Unlawful to kill
deer, quail or
partridge from
1st March to 15th
October.

SECTION 1. That it shall be unlawful for any person to kill or capture, either with gun, trap, dog or dogs, or otherwise, or to offer for sale any deer, quail or partridge in the county of Dare at any time between the first day of March and the fifteenth day of October of each and every year.

Unlawful to de-
stroy eggs of
quail or par-
tridge.

SEC. 2. That it shall be unlawful for any person to, in any way, destroy the eggs of either any quail or partridge in Dare county at any time.

Misdemeanor.

SEC. 3. That any person violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction before a court of competent jurisdiction, shall be punished by fine not to exceed Fifty dollars (\$50.00), or imprisonment not to exceed thirty days (30), either or both at the discretion of the court.

Penalty.

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

In the General Assembly read three times. Ratified this the 18th day of February, 1897.

CHAPTER 83.

An act to allow the treasurer of Northampton county to pay
school claims.*The General Assembly of North Carolina do enact:*

SECTION 1. That the Treasurer of Northampton County is hereby authorized to pay, out of any moneys in his hands due District Number Forty-eight (48), to Mrs. Josephine Harrison, for services rendered as teacher of colored Race for said District, in the year eighteen hundred and ninety-five (1895), the sum of eighteen dollars and four cents (\$18.04), upon the order of the school committee of said District, countersigned by the Chairman of the Board of County Commissioners.

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

In the General Assembly read three times. Ratified this the 18th day of February, 1897.

CHAPTER 84.

An act authorizing treasurer of Randolph county to pay
Bettie McMasters school claim.*The General Assembly of North Carolina do enact:*

SECTION 1. That the Treasurer of Randolph county be, and is hereby authorized to pay Bettie McMasters, nine dollars (\$9.00) out of the Public School Funds due District number thirty-five (35), White Race, as a residue for services rendered as teacher in said District, during the school year ending the 30th day of June, 1896.

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

In the General Assembly read three times. Ratified this the 18th day of February, 1897.

CHAPTER 85.

An act concerning the Agricultural Department and College of Agriculture and Mechanic Arts.

The General Assembly of North Carolina do enact:

Chapter 374, Public Laws 1895, repealed.

SECTION 1. That Chapter three hundred and seventy-four (374) of the public laws of 1895, be and the same is hereby repealed.

Board of sixteen commissioners.

SEC. 2. That the Department of Agriculture shall be under the control and supervision of a Board of Sixteen Commissioners and the President of the State Farmers' Alliance shall be one of this number, and the President of the College of Agriculture and Mechanic Arts shall be *ex officio* a member of the Board, and of the other fourteen one shall be selected from each Congressional district, and the other five from the State at large, and nominated by the Governor to the Senate and confirmed by that body. The terms of five of the Commissioners shall be for two years, the terms of five of the Commissioners shall be for four years, and the terms of the other four shall be for six years, to be designated by the Governor in his nominations.

Ex officio members.

One from each Congressional district; five from State at large.

Nominated by Governor and confirmed by Senate.

Terms of commissioners.

Management of college vested in Board.

SEC. 3. 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 Commissioners; and so much of Section Three of Chapter four hundred and ten (410) of the public laws of 1887, being An Act entitled, An Act supplemental to Chapter three hundred and eight, (308) of the laws of 1885, 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 the Board of Agriculture as authorized, provided for, and called into existence by Section one of Chapter three hundred and seventy-four (374) of the public laws of 1885 are hereby abolished, and any other law under which any member of the Board of Agriculture now owes his appointment, whether said appointment was made by the Governor, by the General Assembly, or otherwise, is hereby repealed, and the Trustees or others appointed or elected thereunder are hereby abolished; it being the intention of this Act to abolish and destroy the existence of the entire Board of Agriculture as it now exists, and to substitute therefor the Board of sixteen Commissioners as herein provided.

Board of Trustees created by act of 1887 abolished.

Board of Agriculture created by act of 1885 abolished.

Laws under which members of Boards appointed repealed.

SEC. 4. The Board of Commissioners herein established shall have all the powers and perform all the duties heretofore exercised, authorized, and required of the Board of Trustees and Board of Agriculture, not inconsistent nor in conflict with this Act, in relation to, and in control and supervision, management and direction of the Department of Agriculture and the North Carolina College of Agriculture and Mechanic Arts and chapter four hundred and ten (410) of the public laws of 1887, and chapter three hundred and forty-eight (348) of the public laws of 1891 not inconsistent or in conflict with this Act are hereby re-enacted and continued in full force and vigor.

Boards created by this act to have powers and perform duties of Board of Trustees and Board of Agriculture.

Chapter 410, Public Laws 1887, and Chapter 348, Public Laws 1891, re-enacted where not in conflict with this act.

SEC. 5. That immediately upon the ratification of this act the Secretary of State shall furnish the Governor a certified copy thereof, and immediately upon confirmation by the Senate the Secretary of State shall notify each Commissioner of his appointment, and the Commissioners shall assemble in the City of Raleigh on Tuesday the ninth day of March next, and shall proceed to organize under this Act and enter upon the discharge of their duties. The number and time of meeting of the Board shall be fixed by the Board, and the members shall receive four dollars (\$4.00) per diem and traveling expenses.

Secretary of State to furnish copy of act to Governor.

And notify commissioners. Commissioners to meet and organize.

Meetings and pay of Board.

SEC. 6. All vacancies occurring under this Act shall be filled by the appointment of the Governor and confirmation by the Senate if that body is in session at the time of the filling the vacancy, if the Senate is not in session when the vacancy is to be filled, the Governor shall appoint and the appointee shall hold until his successor is confirmed by the Senate: and if the Senate should fail to confirm any nomination, the Governor shall within ten days after the adjournment of the Senate fill the vacancy.

Vacancies to be filled by Governor.

Senate failing to confirm Governor to fill vacancy.

SEC. 7. It is not the intention of the General Assembly that the commissioners herein provided for, shall be officers within the meaning of Section seven (7) of Article fourteen (14) of the Constitution, and they are declared to be special Commissioners for the special purposes of this Act.

Commissioners special commissioners.

SEC. 8. All laws inconsistent or in conflict with this Act are hereby repealed.

SEC. 9. This Act shall be in force from its ratification.

In the General Assembly read three times and ratified, this 18th day of February, 1897.

CHAPTER 86.

An act to make wire fences lawful fences in Edgecombe county.*The General Assembly of North Carolina do enact :*

Fences partly of
wood and partly
of wire lawful.

SECTION 1. That there may be built or erected by any person or persons, or by the County Commissioners of Edgecombe county, fences built partly of wood and partly of wire and the same shall to all intents and purposes shall be a lawful fence.

Description of
fence.

SEC. 2. That when any person or persons or the county commissioners of Edgecombe county shall erect any fence partly of wood and partly of wire, with posts set eight feet apart and extending four feet six inches above the ground with plank nailed thereon all along the line of said fence extending thirty inches up said posts with no crack or crevice more than two inches apart up to and including thirty inches and wire the remaining distance up said posts all along to the top of said posts, with no crack or crevice more than six inches apart, the wire to be rivited to each post, the same shall be a lawful fence to all intents and purposes.

Any person may
impound stock
within inclosure.

SEC. 3. That any person or persons may have the right to impound stock within their inclosure and recover damages done as is provided by other statutes heretofore defined.

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

In the General Assembly read three times and ratified, this 18th day of February, 1897.

CHAPTER 87.

An act to amend chapter 161 of the laws of 1895, entitled, "An act to confer jurisdiction of the probate of deeds in certain cases."*The General Assembly of North Carolina do enact :*

Extended to
Beaufort county.

SECTION 1. That Chapter 161, Acts of 1895, be amended by adding in section four (4) thereof in the last line, after the word "Mecklenburg" the words "and the County of Beaufort."

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

In the General Assembly read three times. Ratified this the 18th day of February, 1897.

CHAPTER 88

An act to extend the time of J. E. McLain, sheriff and tax collector for Jackson county, for the years 1889, '90, '91, '92, '93, and '94, and R. F. Allison, tax collector for said county for the year 1895.

The General Assembly of North Carolina do enact:

SECTION 1. That J. E. McLain and R. F. Allison are hereby authorized and empowered to collect the arrears of taxes for the years one thousand eight hundred eighty-nine (1889), one thousand and 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), and one thousand eight hundred and ninety-five (1895), under such rules and regulations as are or may be hereafter provided by law. *Provided:* that this act shall not effect purchasers without actual notice, and no person shall be required to pay any cost to said sheriff or tax collector except the cost allowed by law for advertising.

J. E. McLain and R. F. Allison allowed to collect arrears.

Proviso.

SEC. 2. That no persons shall be compelled to pay taxes under the provisions of this act, who shall make oath before any person 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 arrears of taxes under the provisions of this act.

Persons who are not compelled to pay arrears.

SEC. 3. That nothing herein contained shall be construed to relieve said J. E. McLain and R. F. Allison, 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 said J. E. McLain and R. F. Allison to collect any tax heretofore reported as insolvent.

Tax collectors and their sureties not relieved from liability.

Tax reported as insolvent not to be collected.

SEC. 4. That it shall be the duty of the commissioners of Jackson County to require said J. E. McLain and R. F. Allison to give such additional security for the collection and proper payment of the taxes due for the years aforesaid as will secure the county against any loss by reason of the default and non-payment of said taxes by the said J. E. McLain and R. F. Allison: *Provided, further,* That if the said J. E. McLain and R. F. Allison shall be unable to give such additional security as the said board of commissioners for Jackson County may require; then and in that event the said board of commissioners shall appoint some suitable person or persons to collect

Tax collectors to give additional security.

Proviso.

said taxes, who shall enter bond with such security as said commissioners may require, conditioned to collect and faithfully account for all moneys that may come into his or their hands by virtue of this act.

Sheriff to file statement.

SEC. 5. That it shall be the duty of said sheriff and tax collector to settle and file a sworn statement with the board of county commissioners of Jackson County on the first Monday in each month, showing the amount collected by each, and at the same time paying said amount to the treasurer of Jackson county, taking his receipt therefor, which said receipt shall be immediately exhibited to the said board of county commissioners of said county and placed to the credit of the said sheriff and tax collector.

When authority to cease.

SEC. 6. That the authority herein given said sheriff and tax collector shall cease on the thirty-first (31st) day of December, one thousand eight hundred and ninety-seven (1897).

When act to take effect.

SEC. 7. This act shall be in force from and after the first (1st) day of March, one thousand eight hundred and ninety seven (1897).

In the General Assembly read three times and ratified this the 18th day of February, 1897.

CHAPTER 89.

An act to amend Section 23 of the laws of 1889, concerning the apportionment of the school fund of the counties of Stokes and Robeson.

The General Assembly of North Carolina do enact:

School funds apportioned on first Monday of October.

SECTION 1. That the word "January" in line four (4) of section Twenty-three (23) of chapter one hundred and ninety-nine (199) of the Laws of one thousand eight hundred and eighty-nine (1889) be, and the same is hereby, stricken out, and the word "October" inserted in lieu thereof; the intent of this amendment being to have the apportionment of the school fund made on the first Monday of October of each year, and not on the first Monday of January in each year, as is now provided by law.

Applies only to Stokes and Robeson.

SEC. 2. This act shall apply only to the counties of Stokes and Robeson.

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

In the General Assembly read three times. Ratified this the 18th day of February, 1897.

CHAPTER 90.

An act to refund one hundred and twenty-five dollars (\$125) to John Boyer, paid to the state of North Carolina by mistake.

The General Assembly of North Carolina do enact:

SECTION 1. That on account of a mistake in the settlement of taxes with John Boyer, ex-sheriff of Forsyth county, wherein said John Boyer paid by mistake One hundred and twenty-five dollars (\$125.00) to the State, and one hundred and twenty-five dollars (\$125.00) to the County, more than he received on Show taxes; The State Treasurer is authorized, empowered and required to pay out of the State Treasury to John Boyer, One hundred and twenty-five dollars (\$125.00), and the Treasurer of Forsyth county is authorized, empowered and required to pay out of the Treasury of Forsyth county to John Boyer One hundred and twenty-five dollars (\$125.00).

State treasurer and treasurer of Forsyth county each to refund \$125 paid by error.

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

In the General Assembly read three times. Ratified this the 19th day of February, 1897.

CHAPTER 91.

An act relative to the government of the graded school in the town of Whiteville, Columbus county.

The General Assembly of North Carolina do enact:

SECTION 1. That Graded Schools in the Town of Whiteville, Columbus county, shall be governed and conducted under the regulations of Sections 2659, 2660, 2663, 2664, and 2667, Volume II. of *The Code* of North Carolina.

School to be governed as provided by *The Code*.

SEC. 2. That the taxes collected in said Town of Whiteville for said Graded Schools shall be turned over to the Treasurer of said Town for disbursement.

Taxes collected for school to be turned over to town treasurer.

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

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

In the General Assembly read three times and ratified this 19th day of February, 1897.

CHAPTER 92.

An act to credit or allow active firemen belonging to regular organized fire companies of the city of Wilmington, North Carolina, the amount of their city poll tax.

The General Assembly of North Carolina do enact:

Active firemen
released from
city poll tax.

SECTION 1. That all active firemen of the City of Wilmington, North Carolina, belonging to regular organized fire companies having fire apparatus, and being recognized and under control of chief of fire department as part of the fire department of the City of Wilmington, in the county of New Hanover, and who attend not less than fifty per cent. of the alarms of fire in the said city during each fiscal year, beginning April 1st, 1897, shall be credited and allowed the amount of their annual city poll tax.

Secretaries of fire
companies to
keep record.

SEC. 2. That the Secretary of each company shall keep a correct account of the yearly attendance of each active member of his company at fires and alarms, and the list of such members as have attended at not less than fifty per cent. of alarms of fires, sworn to by the Secretary of such company before a justice of the peace of New Hanover County and endorsed by the chief of the Fire Department, and when presented to the Treasurer of the City of Wilmington shall be sufficient evidence to entitle such active firemen to the above credit or allowance of city poll tax, as stated in section one.

Evidence
required to entitle
firemen to
relief.

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

In the General Assembly read three times and ratified this 19th day of February, 1897.

CHAPTER 93.

An act to amend chapter 449 of the acts of 1895, entitled an act to provide for the working of the public roads of Warren county.

The General Assembly of North Carolina do enact:

Joint authority
of justices abrogated.

SECTION 1. That chapter four hundred and forty-nine (449) of the public laws of one thousand eight hundred and ninety-five (1895), ratified on the thirteenth (13th) day of March one thousand eight hundred and ninety-five (1895), is hereby

amended as follows, viz : That the words "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" in section one (1) are hereby repealed.

SEC. 2. That section three (3) be amended by adding thereto as follows : "And it shall also be the duty of said supervisor to inspect, as occasion may require, all of the bridges of the county and report the condition of the same to the county commissioners, and shall furnish to the commissioners plans and specifications for repairing such as may need repair, or constructing such as may need rebuilding or building, and it shall be his duty to supervise such repairing and constructing as may be ordered by the commissioners, and no money shall be paid out for material furnished, nor labor done, until the materials and work shall have been examined and inspected by him, and certified by him to the commissioners to be furnished and done according to contract."

Supervisor to inspect and report on bridges.

To furnish plans for repairing or building bridges.

To supervise repairs or construction. No work or material paid for without certificate of supervisor.

SEC. 3. That all of sections five (5), six (6), seven (7) and eight (8) are hereby repealed and the following inserted in lieu thereof: "Section five (5), That the taxes raised under this act shall constitute a general fund for the working, repairing and improvement of all the roads of the county, and shall be so expended by the supervisor as to bring all of the roads in the county to an equal condition and degree of improvement and capacity for public use, and to maintain them in the same, due regard being had to the relative usefulness of such roads and their importance to the county, and to the inhabitants of the several parts thereof." Section six (6), That the width of the public roads of said county shall not exceed thirty-three (33) feet nor be less than twenty-two (22) feet as may be ordered by the board of county commissioners. Section seven (7), That it shall be unlawful for any person to empty hill-side ditches or drains into the public roads, or to pond or dam water against or in the public roads, or to plow or cultivate within the road limit, and any person violating the provisions of this section shall be guilty of a misdemeanor. Section eight (8), That the supervisor is hereby empowered and authorized to cut poles and other necessary timber for repairing and making bridges and causeways; and whenever earth shall be needed and it cannot be conveniently procured on either side, he may lawfully take the earth from any adjoining land, and he shall have lawful authority to cut ditches or drains, across the adjoining lands whenever it may be necessary to drain ponded or standing water from the roads. Section nine (9), That all persons having ditches across the public roads, shall keep in good repair

Road taxes to constitute a general fund for road work.

Roads to be worked with regard to relative to usefulness.

Width of roads.

Unlawful to empty drains or pond water on public roads—cr plow or cultivate within road limits.

Misdemeanor.

Supervisors empowered to take timber and earth for repairing roads.

And cut ditches across adjoining lands.

Persons carrying ditches across road to bridge same.

Misdemeanor.

Repealing
clause.

bridges crossing the same and any person failing to repair and put in good and safe condition any such bridge for five days after notice thereof in writing from the supervisor, shall be guilty of a misdemeanor. Section ten (10), That section two thousand and seventeen (2017) of *The Code* is hereby repealed as to said county of Warren, and all laws and clauses of laws in conflict with this act are hereby repealed. Section eleven (11), That this act shall be in effect from and after its ratification.

In the General Assembly read three times and ratified, this 19th day of February, 1897.

CHAPTER 94.

An act in relation to the stock law of Robeson county, North Carolina.

The General Assembly of North Carolina do enact:

No new stock law to become operative until approved by a majority of voters affected.

SECTION 1. That the various stock laws of Robeson county as they now exist, shall remain as at present established; but no new stock law proposition shall be enforced, or become a law, until first submitted to the qualified voters of the territory to be effected, and approved by a majority thereof, at an election of said voters to be effected, called and conducted, under the supervision of the Sheriff, by the board of county commissioners under such rules, and regulations as they may prescribe, and as elections are held for county officers, but only to be voted on by the voters who are to be effected by the proposed new stock law.

To apply to Robeson county only.

SEC. 2. That all laws or parts of laws in conflict with the provisions of this act are hereby repealed, and this act shall only apply to the county of Robeson.

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

In the General Assembly read three times and ratified this 19th day of February, 1897.

CHAPTER 95.

An act to allow N. W. Craft to kill birds on his own premises at any time in the year.

The General Assembly of North Carolina do enact:

SECTION 1. That N. W. Craft of Yadkin county, be and is hereby allowed to kill birds on his own premises at any time in the year. Allowed to kill birds on his own premises at any time.

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

In the General Assembly read three times. Ratified this the 19th day of February, 1897.

CHAPTER 96.

An act to provide for the erection of lawful fences in Randolph county.

The General Assembly of North Carolina do enact:

SECTION 1. That on and after the first day of April, 1897, it shall be lawful to construct a barbed wire fence in Randolph county, after the following dimensions: Said fence shall be not less than four and one-half feet high, with posts not less than three by four inches, substantially planted not more than ten feet apart. Above the ground along the base of each post there shall be securely nailed a plank, not less than ten inches wide; two inches above said plank shall be run the first wire, the second wire three inches above the first, the third wire five inches above the second, the fourth wire eight inches above the third, the fifth wire twelve inches above the fourth and the sixth wire fourteen inches above the fifth, and that each of the said wires shall in every instance be securely and tightly stretched. Description of fence.

SEC. 2. That no wire fence heretofore built or to be built in said county of Randolph shall be considered lawful unless made to conform to the above provision: *Provided*, that this shall apply to Randolph county only. No other fence a lawful fence.
To apply only to Randolph county.

SEC. 3. All laws or clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 4. That this act shall be in force from and after the first day of April, 1897. Act to go into effect.

In the General Assembly read three times and ratified this 19th day of February, 1897.

CHAPTER 97.

An act to regulate the sheriff bond of Tyrrell county.*The General Assembly of North Carolina do enact :*

Sheriff's bond to
be of amount of
taxes of previous
year.

SECTION 1. That section four (4), chapter two hundred and seventy-one (271), public laws of eighteen hundred and ninety-five (1895), be and the same is hereby amended by striking out the words and figures "Ten thousand dollars (\$10,000.00)," in line two and three of said section, and inserting in lieu thereof, "an amount equal to the State, county, school, special and other taxes for the previous year.

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

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

In the General Assembly read three times and ratified, this 19th day of February, 1897.

CHAPTER 98.

An act in relation to keeping in repair the cartways in Alleghany county.*The General Assembly of North Carolina do enact :*

Board of super-
visors to assign
hands to cart
ways named.

SECTION 1. That the Board of Supervisors of public roads of Glade Creek Township, Alleghany County, be and they are hereby authorized and directed to assign a sufficient number of road hands to keep in good repair two cartways, one leading from the public road at the Hardin Phipps place crossing Little River and running thence to Morgan Edwards, and thence to the road near Crockett Cheek's ; the other leading from Morgan Edwards to the public road east of Wm. Edwards.

Misdemeanor to
leave gates on
said cartways
open.

Penalty.

SEC. 2. That any one passing over said routes or cartways who shall leave open the gates erected over the same shall be guilty of a misdemeanor and upon conviction for said offense before any Justice of the Peace shall be fined not less than two dollars nor exceeding five dollars.

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

In the General Assembly read three times and ratified, this 19th day of February, 1897.

CHAPTER 99.

An act to establish a free ferry on Chowan river at Barfield's ferry.*The General Assembly of North Carolina do enact:*

SECTION 1. That the Commissioners of the county of Hertford and the Commissioners of the county of Gates are hereby authorized and directed and it shall be their duty to establish a free ferry on the Chowan river at a point known as Barfield's ferry.

Commissioners of Hertford and Gates counties to establish free ferry.

SEC. 2. That the said Commissioners are authorized and directed to levy a special tax in their respective counties, sufficient to carry into effect the provisions of section one (1) of this act: *Provided*, that said levy shall not exceed three and one-third ($3\frac{1}{3}$) cents on the hundred dollars' valuation of property in the said counties and ten (10) cents on each poll. Each county to pay one-half the cost of establishing said ferry.

Special tax.

Proviso.
Each county to pay one-half.

SEC. 3. That the expense of operating and maintaining said ferry, after the same has been established, shall be paid by the said counties, one-half to be paid by each, out of the general county fund of the said counties.

Expense of operating said ferry borne by said counties.

SEC. 4. That the said Commissioners shall not be required to carry out the provisions of this act until at least two hundred (200) citizens of each county shall petition their respective boards to establish said ferry.

Commissioners not required to act until petition filed.

SEC. 5. That said Commissioners shall establish said ferry within six (6) months after the filing of said petition.

Ferry to be established within six months after petition filed.

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.

In the General Assembly read three times and ratified this 19th day of February, 1897.

CHAPTER 100.

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 tax collectors and sheriffs who by virtue of their office have had the tax list for their respective counties in their hands for collection for the years 1891, 1892, 1893, 1894,

Empowered to collect arrears.

1895, and 1896, are hereby authorized, and empowered to collect arrears of taxes for each of the years aforesaid under such rules and regulations as are now or hereafter may be provided, by law for the collection of taxes.

Who relieved
from payment of
arrears.

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

Officers and sure-
ties not released.

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 the state, county and other taxes at the time and place required by law.

When power to
terminate.

SEC. 4. That the authority herein given shall cease and determine on the first day of January one thousand eight hundred and ninety-eight (1898). *Provided*, That no sheriff or tax collector shall collect or receive any cost under this act.

Proviso.

To what counties
applicable.

SEC. 5. That this act shall only apply to Rutherford, Orange, Ashe, Davie, Henderson, Dare, Gaston, Yadkin, Madison, Lincoln, Polk, Wilkes and Montgomery counties.

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

In the General Assembly read three times and ratified, this 19th day of February, 1897.

CHAPTER 101.

An act to authorize the treasurer of Washington county to pay school claim.

The General Assembly of North Carolina do enact:

Authority to pay
Mrs. L. C. Spruill
\$40.

SECTION 1. That the Treasurer of Washington county is hereby authorized to pay to Mrs. Loula C. Spruill, the sum of Forty Dollars (\$40.00) due her as teacher in School District No. 18, for the white race, for the year Eighteen hundred and ninety-six, out of any money now due, or which may hereafter become due said District.

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

In the General Assembly read three times and ratified, this 19th day of February, 1897.

CHAPTER 102.

An act to renew and keep in force the charter of the Norfolk, Wilmington and Charleston Railroad Company.*The General Assembly of North Carolina do enact :*

SECTION 1. That Chapter 274, laws of North Carolina, A. D. 1897, entitled An act to Incorporate "The Norfolk, Wilmington and Charleston Railroad Company," ratified the 3d day of March, A. D. 1891, be re-enacted and kept in full force except as herein provided, and that all the rights, powers, privileges, and duties granted to said, "The Norfolk, Wilmington and Charleston Railroad Company" by the said act are hereby renewed and granted to said Railroad Company.

Charter
re-enacted.

SEC. 2. That Section 14 of said act be amended so that the same shall be as follows, Section 14, That said "Norfolk, Wilmington and Charleston Railroad Company" shall begin work for the construction of the Railroad provided for in said act within four years from the ratification of this act.

Work to begin
within four
years.

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

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

In the General Assembly read three times, and ratified, this 19th day of February, 1897.

CHAPTER 103.

An act in relation to a certain school claim in Macon county.*The General Assembly of North Carolina do enact :*

SECTION 1. That the Sheriff or Tax Collector of Macon county be, and he is hereby authorized and empowered to pay to Miss Lula Rogers, a public school teacher, the amount due her for teaching a public school in said county, upon the presentation to said sheriff or tax collector a statement signed by a majority of the school committee of the district in which said school was taught, stating the number of the district, the time taught, and amount due said teacher according to agreement with her, and said statement shall be a voucher in the settlement of said sheriff or tax collector.

Sheriff or tax
collector to pay
upon presenta-
tion of state-
ment.

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

In the General Assembly read three times and ratified this 20th day of February, 1897.

CHAPTER 104.

An act requiring the secretary of state to furnish certain books to Yadkin county.

Preamble.

WHEREAS, the county of Yadkin was created by an act of the General Assembly, and has not been furnished with the North Carolina Supreme Court reports up to the seventy-fifth inclusive; now therefore

The General Assembly of North Carolina do enact:

Secretary to furnish reports from No. 1 to No. 75.

SECTION 1. That the Secretary of State be and is hereby authorized and instructed as soon as this act is ratified, to furnish without charge to the clerk of the Superior Court of Yadkin county, one copy of each volume of the reports of the Supreme Court of North Carolina from the first to the seventy-fifth inclusive, to be kept in the court house for the benefit of said county.

Books out of print not to be furnished until re-printed.

SEC. 2. That the Secretary shall not be required to furnish any books not on hand, except such as are being reprinted which shall be furnished as soon as finished and turned over to the Secretary of State.

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

In the General Assembly read three times and ratified this 19th day of February, 1897.

CHAPTER 105.

An act to amend the charter of the Asheboro and Montgomery Railroad Company.

The General Assembly of North Carolina do enact:

Charter under general law amended.

SECTION 1. That the charter of the Asheboro and Montgomery Railroad Company heretofore, to-wit, on the 17th day of April, 1896, obtained under the provisions of chapter forty-nine of *The Code* of North Carolina be and the same is hereby amended so as to read as follows:

Corporators.

SEC. 2. That R. H. Page, James A. McKeethan, J. R. Page, Henry R. Clark, J. W. Adams, Charles Crocker, Charles C. Page, J. F. Allred, F. A. Ordway, T. M. Benoy, Frank Page, Jr., D. J. McKeethan, E. R. Burt, James A. Randall, A. W. Burt, B. D. Wilson, W. H. Thompson, N. A. McKeethan, H. A. Page, N. A. Pleasants, D. A. McDonald, C. E. Pleasants, N. S. Hunter, A. F. Page and I. A. Thompson, their associates, suc-

cessors and assigns, be and they are hereby constituted a body politic and corporate under the name of the Asheboro and Montgomery Railroad Company, and under this name and style they and their successors and assigns shall have succession for ninety-nine years, and shall have power in their corporate name to sue and be sued, plead and be impleaded, appear, prosecute and defend to final Judgment and execution in any of the courts of this State or elsewhere, shall have a common seal which it may alter and use at pleasure and shall have power to purchase, hold and convey lands, tenements, goods, and chattels, when necessary or expedient for the objects and purposes of the corporation, and shall have power to make such by-laws, rules and regulations as may be necessary or expedient for the government and the due and orderly conduct of the affairs of the corporation: *Provided*, the same shall not be inconsistent with the laws of the State or of the United States.

Corporate name.

Term of corporation.

Corporate powers.

By-laws.

SEC. 3. That said company be and it is hereby authorized and empowered to survey, lay out, construct, equip, maintain and operate by steam or other motive power a railroad with one or more tracts from the town of Asheboro, in the county of Randolph, State of North Carolina, to the town of Troy, in the adjoining county of Montgomery, State of North Carolina.

Location.

SEC. 4. That the capital stock of said company shall be two hundred thousand (\$200,000) dollars with the privilege of increasing the same to five hundred thousand (\$500,000) dollars divided into shares of one hundred (\$100) dollars each. The capital stock shall be raised by donation or subscription on the part of individuals, Municipal or other Corporations and such donations or subscriptions may be paid in money, labor, land, material, bonds or other securities, or in any other way that may be agreed upon by the company or its subscribers.

Capital stock.

SEC. 5. That the corporators herein named or a majority in interest of the same may cause books of subscription to the capital stock of the company to be opened at such times and places as may be appointed by said incorporators or a majority in interest of the same.

Books of subscription.

SEC. 6. That the stockholders of said company, or a majority in interest of the same, shall annually select from their number not less than three nor more than seven directors of said company, who shall hold their offices one year and until their successors are elected and qualified; and the directors chosen at such meeting, and annually thereafter, shall elect one of their number as president of said company and shall elect a secretary and treasurer, and such other officers as may be provided for in the by-laws of said company, who shall hold their offices

Directors.

President and other officers.

- Vacancies. one year and until their successors are elected and qualified, and shall fill any vacancy that may occur in any of said offices by death, resignation or otherwise; and in all elections provided for in this act each share of stock shall be entitled to one
- Meeting of stockholders and of directors. vote. The meetings of said stockholders and directors shall take place at such times and places as may be provided for in said by-laws.
- Certificates of stock issued and how transferred. SEC. 7. That said company shall issue certificates of stock to its members, and stock may be transferred upon the books of said Company in such manner and form as its by-laws may prescribe.
- Condemnation of lands. SEC. 8. That said company shall have right to have land condemned for right of way, and for necessary warehouses and other buildings according to existing laws.
- May borrow money and issue bonds secured by mortgage. SEC. 9. That said company shall have right to borrow money and to make, issue, negotiate and sell its bonds in such sum and to such amount, not exceeding two thousand dollars for every mile of such railroad in operation, as to the directors may seem expedient; and such bonds shall bear interest at a rate not exceeding six per cent. per annum, and shall be payable at such times and places as the board of directors may determine; and said company shall have power to cause the payment of the same, principal and interest, to be secured by one or more mortgages or deeds of trust on its property, estate, rights and franchise, including its road-bed, superstructures and real and personal estate of whatever kind on such terms and to such trustee or trustees as the board of directors may think proper; and said mortgage or deed of trust when duly registered, shall have precedence over all other liens on said property.
- Other railroad companies authorized to purchase stock or bonds of this company. SEC. 10. That any Railroad Company incorporated in this or any adjoining state may subscribe to or purchase and own the stocks or bonds or both, of said company, and may guarantee or endorse the same and may purchase, lease, or use the road, property and franchise of said company for such time and upon such terms as may be mutually agreed by the two corporations. And said company shall have power to subscribe to or purchase and own the stocks or bonds or both, of any other railroad company incorporated in this or any other state, and may guarantee or endorse said stock or bonds, and may purchase, lease or use the road, property and franchise of such company on such terms and for such times as may be agreed upon by the two corporations.
- Consolidation. SEC. 11. That the Aberdeen and West End Railroad Company and the Asheboro and Montgomery Railroad Company

when controlled, operated and maintained under one and the same management, shall be known by the name and style of the Aberdeen and Asheboro Railroad Company.

SEC. 12. That the powers, rights, privileges, and franchise acquired by said company under the charter granted it by virtue of chapter forty-nine of *The Code*, except as herein amended, be, and the same are in all respects, ratified and confirmed.

Charter under general law confirmed.

SEC. 13. That the organization of said company having been perfected under the charter acquired by virtue of chapter forty-nine of *The Code*, no notice of the first meeting shall be given or required and said organization is hereby ratified and confirmed.

Organization under former charter confirmed.

SEC. 14. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 20th day of February, 1897.

CHAPTER 106.

An act to levy a special tax in Hyde county.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Hyde county are hereby authorized and empowered, at their regular meeting on the first Monday in June of the year one thousand eight hundred and ninety-seven and one thousand eight hundred and ninety-eight, 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 poll of said county, for the special purpose of paying the indebtedness of said county.

Special tax authorized for 1897-98.

SEC. 2. Such tax shall be levied in like manner with the state and county taxes, and shall not in either of said years exceed fifteen cents on the one hundred dollars' worth of property and forty-five cents on the poll, and constitutional equation between the property and poll shall always be observed in making such levies.

To be levied as other taxes.
Limitation.

To be collected as
other taxes.

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 at the same time and under the same rules and penalties as prescribed for the collection of the state and county taxes.

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

In the General Assembly read three times and ratified this 20th day of February, 1897.

CHAPTER 107.

An act to levy a special tax for Swain county.

The General Assembly of North Carolina do enact:

Special tax
authorized.

SECTION 1. That the county commissioners of Swain county in session assembled, be and the same are hereby authorized to levy a special tax not to exceed twenty cents on the one hundred dollars worth of real and personal property, and sixty cents on each poll, always observing the constitutional equation.

Limitation.

Special tax
authorized for
1897 and five
years thereafter.
To pay interest
on county debt.

SEC. 2. That said board of county commissioners of said county of Swain are hereby empowered to levy a special tax for the year 1897, and for the term of five years thereafter to pay interest on the county indebtedness, said special levy to be on the property and polls of said county: *Provided*, that if said levy for 1897 has already been made it is hereby declared legal in all respects.

Proviso.

How tax applied.

SEC. 3. That the taxes levied under and by virtue of this act shall be applied to the liquidation of the bridge bonds, and the interest thereon accrued, and to the payment of judgments against Swain county, and for the payment of indebtedness incurred by the building of Court House, for the year next succeeding that in which said levy was made, and for no other purpose whatsoever.

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

In the General Assembly read three times and ratified, this 20th day of February, 1897.

CHAPTER 108.

An act to revise and improve the public school system of North Carolina.

The General Assembly of North Carolina do enact:

SECTION 1. The state board of education shall appoint biennially a state board of examiners, who shall consist of three professional teachers, and the state superintendent of public instruction shall be *ex officio* the chairman of the said board.

State Board of Examiners.

SEC. 2. The state board of school examiners shall prepare and recommend to the public school teachers of the state, through the several county supervisors, a course of reading and professional study for teachers, and such outlines of methods of teaching and school government as may in its judgment be helpful in school room work, and perform such other duties as are hereinafter provided.

Course of study to be prepared and recommended to public school teachers.

SEC. 3. The state board of school examiners shall have power to grant first grade life certificates, which may be used in any county in the state, and shall furnish to the public, through the several county supervisors, at least one month before the regular annual county examination of teachers, full information as to the nature and character of the requirements for such first grade life certificates; it shall annually prepare and furnish to the several county supervisors a set of examination questions covering subjects required by law to be taught in the public schools of the state, which shall be submitted at the regular annual county examination of teachers in July to all applicants for a first grade life certificate under such rules and regulations as the state board of school examiners may prescribe. The state board of school examiners shall examine and grade the papers of all applicants for a first grade life certificate, and shall issue said certificate to such applicants as are properly qualified and justly entitled thereto, and all examination papers of applicants to whom first grade life certificates shall have been granted under this act, shall be kept on file in the office of the state superintendent of public instruction: *Provided*, that each applicant for a first grade life certificate shall pay in advance to the county supervisor the sum of five dollars, which shall be reported to the county board of education and paid into the general school fund of the county; *Provided, further*, that every first grade life certificate to continue valid and operative, shall be renewed by the state board of school examiners every five years, and before said board shall renew said certificate, it shall be accompanied with an

State board to grant life certificates.

Information to be published through county supervisors.

Examination questions to be prepared and furnished to county supervisors.

State Board of Examiners to examine and grade papers of applicants.

Papers of successful applicants to be filed.

Proviso.
Tax on applicants.

Proviso.
Life certificates to be renewed every five years.

Affidavit upon application for renewal.

affidavit of the teacher holding said certificate, that he or she has been actually engaged in teaching school since receiving said certificate or since its last renewal, and no charge shall be made for such renewal.

Meetings of State Board of Examiners.
Compensation of members.

SEC. 4. The meetings of the state board of school examiners shall be held at the call of the state superintendent of public instruction and the members shall receive no compensation other than their traveling expenses and board while attending the meeting, an itemized statement of which shall be kept in the books of the state superintendent of public instruction.

County examiner abolished.

SEC. 5. The office of the county examiner is hereby abolished, to take effect on the first Monday in July, 1897.

County board of education, how elected.

SEC. 6. The board of county commissioners, together with the clerk of the Superior Court and the register of deeds of each county, shall on the first Monday in June, 1897, and triennially thereafter, elect three men of their county, of good business qualifications and known to be in favor of public education, who shall constitute a county board of education, which board shall enter upon the duties of their office on the first Monday in July following their election, and shall assume all the powers and duties which the county commissioners now have regarding the public school matters of the county.

Qualifications.

When to enter on duties.

Powers and duties.

County supervisor of schools, how elected.

SEC. 7. The county board of education of each county, together with the clerk of the Superior Court and the register of deeds, shall on the first Monday in July, 1897, and biennially thereafter, elect a county supervisor of schools, who shall be a practical school teacher at the time of his election, or has at least one year's experience in teaching school, and who shall be of good moral character and liberal education, and shall hold his office for a term of two years from the date of his election and until his successor is elected and qualified.

Qualifications.

Term of office.

School districts.

District school committee how elected.

SEC. 8. The county board of education of each county on the first Monday in July, 1897, shall divide their county into as many school districts as there are townships in said county, and shall on the said first Monday in July, 1897, and biennially thereafter, elect in each of said school districts five intelligent men of good business qualifications, who are known to be in favor of public education, who shall serve for two years from the date of their appointment, as school committeemen in said district and until their successors are elected and qualified. If a vacancy should at any time occur in said committee by death, removal or resignation, it shall be the duty of the county board of education to appoint a suitable person in said district to fill

Qualifications.

Term of office.

How vacancies to be filled.

said vacancy until his successor is elected and qualified: *Provided, however*, that not more than three members of the said school committee shall belong to the same political party.

Proviso.
Not more than three committeemen to be of the same political party.
School committee to locate schools.

SEC. 9. The school committee shall establish and locate in their district, schools for the white race and schools for the colored race, and in so doing shall consult the convenience of the white children in locating the schools for the whites and the convenience of the colored children in locating the schools for the colored: *Provided, however*, that there shall not be established in any school district a greater number of schools for either race than will give each school an average of fewer than sixty-five pupils.

Proviso.
Schools not to average more than 65 pupils.

SEC. 10. The county board of education, together with the county supervisor, shall, on the first Monday in January each year, apportion the school fund of the county to the various school districts in said county, per capita, which apportionment shall be divided and reapportioned by the school committee to the various schools for the whites and colored of their district in the manner hereinafter provided: *Provided*, that the county board of education, before apportioning the school fund to the various school districts, shall reserve as a contingent fund an amount sufficient to pay the salary of the county supervisor and per diem and expenses of the county board of education.

Apportionment of county school funds.

Reapportionment of district fund.
Proviso.

Contingent fund to be reserved.

SEC. 11. It shall be the duty of the school committee to distribute and apportion the school money of their district so as to give each school in their district, white and colored, the same length of school term, as nearly as may be each year, and in making such apportionment the said committee shall have proper regard for the grade of work to be done and the qualifications of the teachers required in each school, white and colored, within their district.

How district school fund apportioned.

SEC. 12. The school committee of each district herein provided for, shall, before entering upon the duties of their office, take the oath of office as now prescribed by law for school committeemen, and shall, as soon after their election and qualification as practicable, not to exceed thirty days, meet and elect from their number a chairman and secretary, and shall keep a record of their proceedings in a book to be kept by them for that purpose. The name and address of the chairman and secretary of each district committee shall be reported to the secretary of the county board of education and recorded by him in a book kept for that purpose.

School committeemen to be sworn.

To meet within thirty days.
Chairman and secretary.
Record to be kept.

Name and address of chairman and secretary to be reported to the secretary of county board.

SEC. 13. The school committee of each district shall on the second Monday in January each year, meet at such a place in their district as the chairman may designate for the purpose of

Meeting of school committee for apportioning funds.

Other meetings.	apportioning the school fund of their district to the various schools, white and colored, in their districts in the manner hereinbefore provided for; and the other meetings of the committee for the purpose of selecting teachers for the schools in their district and for the transaction of such other business as pertains to their office shall be at such time and place as the chairman may designate.
School committee to furnish school census.	SEC. 14. The school committee of each district are required to furnish to the county supervisor a census report of all the children, white and colored, of school age, in their district, and the blanks upon which said reports are to be made shall be furnished to the various school committees by the county supervisor on the first Monday in May each year, which report shall be duly verified under oath by at least one member of the committee, and returned to the county supervisor on or before the first Monday in June, each year, and any committee failing to comply with the provisions of this section, without just cause, shall be subject to removal.
Supervisor to furnish blanks.	
Census to be verified.	
When to be returned. Penalty for failure.	
How school orders validated.	SEC. 15. All orders for the payment of teachers' salaries, for building, repairs, school furnishings, or for the payment of money for any purpose whatsoever before it shall be a valid voucher in the hand of the county treasurer, shall be signed first by at least three members of the committee, then by the county supervisor who shall place his seal upon it: <i>Provided, however,</i> that no order shall be signed by the county supervisor for more money than is to the credit of that district for the fiscal year.
Proviso. Supervisor not to approve voucher for more than is to credit of district.	
Accounts of school committee.	SEC. 16. The school committee of each district shall keep a book in which shall be kept an accurate account of all money received by them from the apportionment of the county school fund, and from all other sources whatsoever, and shall also keep an accurate account with each school in their district of the money apportioned by them to said school and received by the teacher from pay pupils, and the amount expended by the committee of said school for teachers' salaries and all other purposes.
Meetings of the county board of education.	SEC. 17. The county board of education shall meet annually at the court house in the said county on the first Mondays in June, July, September and January, and may sit from day to day until such matters as may properly come before them are adjudicated, and may meet at such other times upon the call of the chairman of the board as may be necessary: <i>Provided,</i> that the compensation of the members of said board shall not exceed two dollars per diem and mileage as is now allowed to the board of county commissioners.
Proviso. Compensation of members.	

SEC. 18. The county supervisor shall be *ex officio* the secretary of the county board of education, and shall see that all moneys belonging to the school fund are properly paid in to the treasurer and properly applied, and his further duties shall be to examine teachers, for which he shall require a fee in advance of one dollar on his regular examination days, which shall begin on the second Thursdays in July, September, November and April, every year, and for the examination of teachers at any other time than above named, he shall require of such applicants a fee of \$1.50, in advance, and all of said fees for examination both at the public and private examinations, shall be paid by the county supervisor to the treasurer of the county board of education to go to the general school fund of the county. The place for holding the examination of teachers shall be at the county seat, but other places in said county may be designated by the county supervisor when in his discretion it may be for the convenience of the teachers of his county.

Supervisor to be secretary to county board.

Duties of supervisor.
Fee for examination.

Regular examination days.

Fee for special examination.

Fees to be paid into school fund.

Places of examination.

SEC. 19. Third grade teachers' certificates are hereby abolished, and there shall be but two grades of teachers' certificates with the same requirements for the first grade and the second grade as are now required by law.

Third grade abolished.
Requirements for first and second grade.

SEC. 20. The compensation of the county supervisor shall be not less than two dollars nor over three dollars per day for such days as he shall be actually engaged in the duties pertaining to his office, and he shall present monthly to the county board of education an itemized account with an affidavit attached, stating that the services therein charged have been in fact rendered, whereupon, if approved by the county board of education, the chairman of the board shall issue a warrant upon the treasury for the payment of the amount due the county supervisor for said services.

Compensation of supervisor.

Monthly accounts to be filed and verified.

SEC. 21. It shall be the duty of the county supervisor to advise with the teachers as to the best methods of instruction and school government, and to that end he shall keep himself thoroughly posted as to the progress of education in other counties, cities, and states; he shall have authority to correct abuses, and to this end he may, with the concurrence of a majority of the school committee of the district, suspend any teacher in said district who may be guilty of any immoral or disreputable conduct, or who may prove himself incompetent to discharge efficiently the duties of a public school teacher or who may be persistently neglectful of said duties. The county supervisor shall be required to visit the public schools of his county while

County supervisor to advise with teachers.
To keep himself posted on educational subjects.
Authority of supervisor.

May remove teachers with concurrence of school committee.

Supervisor to visit schools.

in session but under the direction of the county board of education, and shall inform himself of the condition and needs of the various schools within his jurisdiction.

District school committee with concurrence of supervisor to combine school funds.

SEC. 22. The school committee of any district, with the concurrence and approval of the county supervisor and the county board of education, may combine and use the funds of their district in such manner as, in their judgment, may unify and improve the school interests of their district.

Teachers' institutes to be held.

SEC. 23. The county board of education may provide for an institute for each race of at least one week's duration annually, to be conducted by the county supervisor or some practical educator well qualified to give instruction on the branches taught in the public schools and the best methods of teaching the same, and on the history and theory of education.

State Superintendent to prefer charges against immoral or incapable supervisor or member of county board.

SEC. 24. In case the State superintendent shall have sufficient evidence at any time that any county supervisor or any member of the county board of education is not capable of discharging, or is not discharging, the duties of his office as required by this act, or is guilty of immoral or disreputable conduct, he shall report the matter to the county board of education, which shall hear evidence in the case, and if, after careful investigation, they find sufficient cause for his removal, they shall declare the office vacant at once and proceed to elect his successor: *Provided, however*, that either party may appeal from the decision of the county board of education to the state board of education, which shall have full power to investigate and review the decision of the county board of education. The decision of the State board of education shall be final.

Investigation by county board of education.

Proviso, appeal to State Board of Education.

SEC. 25. In case the county supervisor shall have sufficient evidence at any time that any member of the district committee is not capable of discharging, or is not discharging, the duties of his office, he shall bring the matter to the attention of the county board of education, which shall thoroughly investigate the charges and shall remove said committeeman and appoint a successor if sufficient evidence shall be produced to warrant his removal and the best interests of the schools in his district demand it.

Supervisor to prefer charges against incapable or negligent school committeemen.

Investigation by county board of education.

SEC. 26. The provisions of this act shall not apply to any public school systems operating under special laws or charters.

Special laws or charters not affected.

Power of county board of education in adoption of text-books not interfered with.

SEC. 27. That nothing contained in this act shall be construed to interfere with the adoption of text-books for the public schools by the county board of education, as is provided by law.

SEC. 28. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 29. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 6th day of March, 1897.

CHAPTER 109.

An act in regard to the trial of civil actions.

The General Assembly of North Carolina do enact:

SECTION 1. That when on trial of an issue of fact in a civil action, or special proceeding, the plaintiff shall have produced his evidence and rested his case, the defendant may move to dismiss the complaint, or for judgment, as in case of non-suit.

On completion of plaintiff's evidence defendant may move to dismiss or for judgment as of non-suit.

SEC. 2. That if the motion is allowed, the plaintiff may except and appeal to the Supreme Court.

If motion allowed plaintiff may appeal.

SEC. 3. That if the motion is refused, the defendant may except, and thereupon introduce his evidence, just as if he had not made the motion, and in case of verdict and judgment against the defendant he shall have the benefit of his exception in an appeal to the Supreme Court.

If motion disallowed trial to proceed and defendant to have benefit of exception.

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

In the General Assembly read three times and ratified this 3d day of March, 1897.

CHAPTER 110.

An act to amend section 2940 of The Code in reference to restoration of citizenship.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 2940 of *The Code* of North Carolina be and the same is hereby amended by striking out all of said section down to and inclusive of the word "place" in line three (3) and insert in lieu thereof the following: The petitioner may elect to file his petition in the Superior Court of the County

Petition for restoration to citizenship may be brought in county where conviction was had or in county where petitioner resides.

where the indictment was found upon which the conviction took place, or in the County wherein he is an actual and bona fide resident at the time of filing his petition, and has been for five years, which application shall be heard by the Judge at term.

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

In the General Assembly read three times and ratified this the 1st day of March, 1897.

CHAPTER 111.

An act to take Vance county out of the circuit criminal court district of eastern North Carolina.

The General Assembly of North Carolina do enact:

Vance county
taken from
Criminal Circuit.

SECTION 1. That chapter one hundred and fifty-six (156), Section one (1), laws of one thousand eight hundred and ninety-five (1895), be amended as follows, to strike out "Vance county" from the circuit criminal court district of eastern North Carolina.

Terms stricken
out.

SEC. 2. That section seventeen (17) of said chapter be amended by striking out all of lines thirteen (13), fourteen (14) and fifteen (15) in said section.

Records of Cir-
cuit Criminal
Court to be
turned over to
Superior Court.

SEC. 3. That the clerk of the said Criminal Court shall deposit and turn over to the clerk of the Superior Court, of Vance county all the records and papers heretofore and now constituting the records of said Circuit Criminal Court, and the said records and papers shall constitute, be and have the same validity, force and effect as if it was original records.

In force from 1st
March, 1897.

SEC. 4. That this act shall be in full force from the first day of March, one thousand eight hundred and ninety-seven (1897).

In the General Assembly read three times and ratified. This 5th day of March, 1897.

CHAPTER 112.

An act to establish a system of graded schools in Henderson,
North Carolina.

The General Assembly of North Carolina do enact:

SECTION 1. That the Mayor and Board of Commissioners for the town of Henderson, are hereby authorized and directed at the next regular election in May (1897), one thousand eight hundred and ninety-seven, to submit to the qualified voters of Henderson township, under the rules and regulations governing said annual election, the question whether an annual assessment shall be levied therein for the support of two graded schools in said township.

Election to be held.

That such qualified voters at said election are authorized to vote on written or printed ballot the words "for schools" or "against schools," and the penalty for fraudulent and illegal voting in said election shall be the same as in the annual election for Mayor and Commissioners in said town of Henderson.

Ballots.

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 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 collecting and paying over to the county 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 a bond, in the sum double the amount of the assessment levied, payable to the town of Henderson, 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.

If majority vote "For Schools," assessment to be levied.

Liability of town tax collector.

Proviso: Town tax collector to give special bond for assessment.

SEC. 3. That the special assessment so levied and collected, shall not exceed fifteen cents on the one hundred dollars worth of property, and forty-five cents on the polls; and that all assessments, thus levied and collected, shall be applied exclusively for the support of two graded schools, in a manner hereinafter provided.

Limitation.

How assessments applied.

SEC. 4. That the special assessment, thus levied and collected, shall be expended in keeping up two graded schools in said town for the children of both races, between the age of six and twenty-one years, residing in said Henderson township, to be apportioned evenly between the children of both races of school age in said township.

How assessment expended and apportioned.

Trustees for graded school for white children. SEC. 5. That the following named persons : Robert Bunn, Alex. T. Barnes, James Kelly, Lee Howard and W. H. Jenkins, and their successors in office, shall constitute a board of trustees for the graded school for the white children.

Incorporated. The said board of trustees shall be a body politic, and shall
Corporate name. be known as "The Board of Trustees of the graded school for the white children, Henderson, North Carolina," and by that name may sue and be sued, may buy and sell school property, may accept gifts, donations and any money or other valuables for the school, and shall have full power to employ teachers, and to fix their pay, and may use for the first two years not more than one-third of the funds of said school in buying lands, buildings and repairing such school houses, as may be necessary in the judgment of the Board of Trustees, for the carrying on said school: *Provided*, the same shall be first legally apportioned for the graded school for the white children.

Trustees for graded school for colored children. SEC. 6. That the following named persons, Harrison Wortham, L. D. Mayo, Joseph H. Satterwhite, Julius Speed and M. M. Peace and their successors in office be and the same are hereby constituted a board of trustees for the colored children belonging to said township.

Incorporated. That said board of trustees shall be a body politic, and shall
Corporate powers. be known as "The Board of Trustees for the graded school for the colored children, Henderson, North Carolina, and by that name may sue and be sued, may plead and be impleaded within any court of the State.

Are hereby empowered to purchase property, to sell such school property as may seem wise to a majority of said board ; may receive sites for school purposes by gifts or donations ; may accept any gifts for the school ; shall have power to employ teachers, and to fix their pay ; to fill vacancies in said Board, and to do all such acts as shall be necessary to carry on said graded school for the colored children in said township.

Money arising from special assessment to be paid to county treasurer. SEC. 7. That the money arising from the special assessment, herein provided for, shall, as soon as collected, be paid over to the Treasurer of the county of Vance, which, together with the funds from time to time appropriated by the Board of Education (County Commissioners) of Vance county, under the general school law, to Henderson Township, and shall stand to the credit of the graded schools in the hands of the Treasurer, and be paid out on the order of said Board of Trustees of the said schools, respectively.

To be paid out on order of Trustees. SEC. 8. That the Board of Trustees for the white school, and the Board of Trustees of the colored school, shall meet annually on the second Tuesday in August, when they shall receive appli-

Boards of trustees to meet annually.

eations for teachers in said schools; which applications shall be accompanied by a certificate from the County Examiner, dated within the school year (July 1st): *Provided*, that the Board must give twenty days notice of such meeting of such Board, in some public newspaper published in Vance county, if there be one, and if not, then by written or printed notices at the four voting precincts in said town, and one at the Court House door and in the Post Office.

Proviso: Notice of meeting to be given.

SEC. 9. That said Board, after organizing by electing one of their number Chairman, and one of their number Clerk, shall proceed to examine the applications, and shall select such suitable persons as principals and teachers in said schools as in the judgment of the Board are suitable: *Provided*, that no teacher shall be employed by the Board as teacher or principal, unless they have deposited their certificates with the Board, on or before the day of such meeting: *Provided, further*, that in case of sickness, or other causes, sufficient to prevent the Board from meeting on said second Tuesday, then, in that case, the Chairman is hereby authorized to call another meeting on the next Tuesday (namely the third Tuesday in August).

Boards shall select teachers.

Proviso: No teacher employed who has not filed certificate.

Further proviso: In case Board fails to meet chairman to call another meeting.

SEC. 10. The Clerk of said Board shall keep a book, and shall record the proceedings of each regular and special meeting, and shall be opened at all times for the inspection of said Boards.

Clerk of Board to keep record of meeting.

SEC. 11. That the Trustees named in this act, shall hold their offices for the term of four years, and until their successors are duly elected and qualified, and said Boards are hereby empowered to fill all vacancies in said Board, caused by resignation or otherwise, and their successors shall be elected once in four years, at the general election held in May, for Mayor and other officers of said town, commencing May, 1901.

Term of trustees.

Vacancies.

Successors elected at general town election.

SEC. 12. 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 law of the State, and may be paid such compensation as may be deemed just and proper by the Board of Trustees.

Salary of principal and teachers.

SEC. 13. That the Board shall designate one of their number to take the census of all the children in said township between the age of six and twenty-one years, of each race, separately: *Provided*, that the secretary of the Board for the white take the census of the white children and the secretary of the Board of Trustees for the colored race take the census for the colored children and report annually to the Board, on the second Tuesday in August of each and every year: *Provided*, that not more than fifteen dollars be allowed each secretary as compensation for his services.

Census of school children to be taken annually.

Proviso: Secretary of board for each school to take census of that race.

Proviso: Compensation of Secretary.

Board to meet upon call of chairman or any two members.

SEC. 14. That said Board may meet at any time upon call of the chairman, or upon the petition to the chairman of two members of said Board, and transact any business, except to considering applications from teachers, which must be had on the above-mentioned days, except in case of deaths, resignation or removal of said teacher or principal.

Boards to fill vacancies of principal or teachers.

SEC. 15. In case of death or resignation of any principal or teacher of said schools, the Board may fill such vacancy at any time, after due notice, as hereinbefore provided, and may fill said vacancy temporarily, until such permanent appointment is made, not to exceed thirty days.

Trustees of colored school to build or remodel school houses.

SEC. 16. That the trustees of the colored school are hereby empowered to use not more than one-fourth of the funds collected from the special assessment for two years to build suitable school-houses, and to remodel those that are already in use as public school-houses.

Board to post financial statement.

SEC. 17. That the Board are hereby required to post an itemized statement of the money paid out each year, and for what purposes paid, the date of the transaction, and the balance to the credit of said school, on the day of the annual meeting (second Tuesday in August).

Trustees not disqualified for other office.

SEC. 18. That nothing in this act shall prevent persons acting as trustees from holding any office of profit or trust while acting as trustee.

Quorum.
Proviso: How vacancy on board created.

SEC. 19. That a majority of trustees shall constitute a quorum for the transaction of business: *Provided, further*, that no vacancy shall be declared on said Boards unless a member of said Board has actually removed from the township, death, resignation or misconduct in office.

SEC. 20. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 21. That this act shall be in full force from and after its ratification.

In the General Assembly read three times and ratified this the 20th day of February, 1897.

CHAPTER 113.

An act to consolidate public school districts No. 19 and 20 for the colored race in Wilson county.

The General Assembly of North Carolina do enact:

Districts consolidated.

SECTION 1. That Public School Districts No. 19 and 20 for the Colored Race in Wilson county, be and the same are

hereby consolidated into one District, to be known as the "Elm City Public School for the Colored Race." Name of new district.

SEC. 2. That the School Committeemen for the two Districts Nos. 19 and 20, as now constituted, are hereby constituted a committee of the consolidated District, and they shall so serve until their successors are legally elected or appointed and qualified. Committeemen of consolidated districts to serve for new district.

SEC. 3. That the said committee are hereby authorized to buy a suitable lot of land, in or near the town of Elm City, upon which to erect the necessary buildings for the new District. Committeemen to buy school lot for new district.

They are also authorized and empowered to sell the old buildings or remove them to the new lot, as they may deem best, and also to sell to the best advantage the lots of land upon which the old buildings now stand, and apply the proceeds, if any, to the purchase of or payment on the new lot. To sell or remove old buildings.
And to sell school lots of old districts.

SEC. 4. That the said school committee are hereby authorized to use so much of the public school fund as shall be allotted to the said school districts for the year Eighteen hundred and ninety-eight (1898), as shall be necessary to make the changes authorized by this Bill, and also make all improvements to the lot and grounds as they shall deem necessary. Committee may use school fund of 1898 for purposes of this act.

SEC. 2. That this act shall be in force and effect from and after January 1st, 1898.

In the General Assembly read three times. Ratified this the 20th day of February, 1897.

CHAPTER 114.

An act to create Muddy Creek township, in McDowell county.

The General Assembly of North Carolina do enact :

SECTION 1. That a new Township to be called "Muddy Creek" is hereby created in the county of McDowell, to be taken from the Township of Dysartsville, bounded as follows:—Beginning at the Burke county line, in the Dysartsville and Morganton road, and runs with the road to R. E. Patton's; then a straight course to the mouth of the Alexander Branch; then with said branch to the Dysartsville and Marion road; then with the Marion road to the line of Higgins Township; then with the line of said Township to North Muddy Creek; then with Muddy Creek to the Burke county line; then with the Burke county line to the beginning. Township created.
Boundary.

Incorporated as township.
Permanent place of voting.

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 Pinnacle School House.

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

In the General Assembly read three times and ratified this the 20th day of February, 1897.

CHAPTER 115.

An act to levy a special tax to build a bridge over Roanoke river in Halifax and Northampton counties.

The General Assembly of North Carolina do enact :

Commissioners of Weldon to issue bonds.

SECTION 1. That the Town Commissioners of the town of Weldon are authorized to issue bonds not exceeding thirty thousand dollars, and not to run over thirty years, to build a bridge across Roanoke River in the counties of Halifax and Northampton between Chocoyette and the pillars of the old Petersburg Railroad inclosure, and the Town Commissioners of the town of Weldon 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 Weldon in Halifax county and to the most practicable point in the public road leading to Graysburg of Northampton county.

To locate bridge and lay out roads.

Town of Weldon to build bridge.

SEC. 2. That the town of Weldon is hereby authorized to erect, construct and build said bridge between the points set out in Section 1 across Roanoke River.

Special tax to be levied.

SEC. 3. That the Town Commissioners of the town of Weldon shall, for the purpose of paying off said bonds and interest, levy a special tax upon the property and polls of the citizens of said town for the purpose of erecting and constructing said bridge and laying out and building said road, and in making the said levy the commissioners are directed to observe the constitutional equation between the property and poll of said town. The said levy to be such an amount only as will be necessary to pay off said bonds as they fall due and interest.

Amount of levy.

Tax levied and collected as other taxes.

SEC. 4. That the said tax shall be levied and collected as other taxes are levied and collected.

SEC. 5. That all moneys arising from sale of said bonds shall be paid over to the Treasurer of the town of Weldon, who shall disburse the same under the direction of the Board of town commissioners, and the taxes so levied and collected under this act shall be set apart and solely applied to the payment of said bonds and coupons.

Proceeds of bonds to be paid to town treasurer.

Special tax applied solely to bonds and coupons.

SEC. 6. That the Board of Commissioners are authorized to negotiate the sale of said bonds: *Provided*, no bond shall be sold for less than its par value.

Commissioners to negotiate sale of bonds.
Proviso: Bonds not to be sold at less than par.

SEC. 7. That the bonds issued under this act bearing interest at a rate to be specified in said bonds not greater than six per centum interest to be paid semi-annually.

Bonds to bear interest.

SEC. 8. That before the said commissioners of said town shall issue said bonds, they shall obtain consent of a majority of the qualified registered voters, which consent shall be obtained as set out in Section 17 (seventeen) of the amended charter of the town of Weldon.

Consent of voters to be obtained from bonds issued.

SEC. 9. That all laws or clauses of laws in conflict with this act is hereby repealed.

SEC. 10. That this act shall be in force from and after the day of its ratification.

In the General Assembly read three times and ratified this the 20th day of February, 1897.

CHAPTER 116.

An act to incorporate Strowd's chapel in McDowell county.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons to manufacture, give away, or in any manner dispose of directly or indirectly any intoxicating liquors or substances that may produce intoxication, within one-half mile of Strowd's Chapel in McDowell county.

Unlawful to sell or give away intoxicating liquors within one-half mile of chapel.

SEC. 2. That any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five dollars nor more than fifty dollars, or imprisoned not less than thirty days nor more than six months, one or both in the discretion of the court.

Misdemeanor.

Penalty.

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

In the General Assembly read three times, and ratified this 20th day of Feb., 1897.

CHAPTER 117.

An act to require the county commissioners of each county in the state to meet on the first Monday in June of each year and revise the jury lists.

The General Assembly of North Carolina do enact :

Jurors selected
at June meeting
of commis-
sioners.

SECTION 1. That section 1722 of *The Code* of North Carolina be and the same is hereby amended by striking out the word, "September" in line two of said section and insert the word "June" in lieu thereof.

Jury list revised
at June meeting
of commis-
sioners.

SEC. 2. That section 1725 of *The Code* be and the same is hereby amended by striking out the word "September" in lines one and two of said section and insert the word "June" in lieu thereof.

SEC. 3. That Chapter 559 of the laws of 1889 be and the same is hereby repealed.

SEC. 4. That Chapter 96 of the laws of 1891 be and the same is hereby repealed.

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

In the General Assembly read three times, and ratified this 20th day of February, 1897.

CHAPTER 118.

An act to incorporate the Asheville and Biltmore street railway and transportation company.

The General Assembly of North Carolina do enact :

Corporators.

SECTION 1. William T. Weaver, William W. Barnard, William B. Williamson, of the city of Asheville, in the State of North Carolina, D. C. Waddell, Sr., of the city of Greensboro, in said State, and George W. Williams, of the city of Wilmington, in said State, their associates, successors and assigns, be, and hereby are created a body politic and corporate by the name and style of Asheville and Biltmore Street Railway and Transportation Company, and by that name may acquire and hold, own, convey and dispose of real and personal property and estate; may contract and be contracted with, sue and be sued in any and all courts of this State; may make and enforce all such by-laws and other rules and regulations, not inconsistent with the laws of this State, as may be deemed needful for the welfare

Corporate name.

Corporate powers.

of the company ; may adopt, have and use a common seal, and generally may exercise and enjoy all the rights, privileges, powers, franchises and immunities enumerated in respect to railroads, in chapter forty nine (49), Volume 1, of *The Code of North Carolina*, and usually enjoyed and exercised by corporations of like nature, for the period of ninety-nine years from the date of ratification of this act.

Term of corporation.

SEC. 2. The capital stock of the said corporation shall be twenty-five thousand (\$25,000) dollars, with liberty to the stockholders whenever a majority of them shall so determine to increase the same from time to time, to a sum not exceeding one hundred thousand dollars, to be divided into shares of one hundred dollars each.

Capital stock.

SEC. 3. The said corporation shall have power to borrow money, to make and dispose of and negotiate its promissory notes, drafts, bonds and other obligations, and to mortgage or otherwise convey its property, rights, franchises and effects of every and all description to secure their payment, the said right and power to be exercised in such a manner and form as may be prescribed in the by-laws, or by special regulations of the company.

May borrow money, issue bonds and make mortgage.

SEC. 4. The company shall be deemed fully organized immediately upon the ratification of this act ; and the majority of the persons named as corporators herein may meet at any time within one year thereafter and select such officers as they may deem necessary : *Provided*, the Board of Directors, or other governing body, shall contain not less than three (3) stockholders of the company, and who shall be residents of this State. The said corporators, Board of Directors, or other governing body, may issue stock, bonds and other securities, through such officers and agents as they may designate ; receive subscriptions in cash or property, enter into contracts for the construction and operation of any line of railway or other method for the transportation of passengers and freight which they may adopt, and for the building or leasing of all such houses, vehicles, offices, shops, and other appliances as may be necessary.

Company deemed fully organized.

Proviso : At least 3 directors to be residents of State.

Powers of corporators or directors.

SEC. 5. The said corporators and stockholders shall not be personally or individually liable for any of the debts, obligations, engagements, contracts or torts of the said company.

Stockholders not personally liable

SEC. 6. The said company is hereby given power and authority to make, construct, equip, operate and maintain a line, or lines, of street railway, with the necessary depots, stations, shops, buildings, side-tracks, switches, crossings, bridges, turn-outs and branches, as they may deem necessary, using such

Corporation may construct and operate street railway.

Proviso: Not to use motive power forbidden by city, town, village or county authorities.

Nor to use streets or roads without consent of proper authorities.

Further proviso: Not to build road in boundary set forth.

Not confined to streets or highways.

Condemnation of land.

motive power and vehicles as the Directors, or other governing body of said company may at any time, and from time to time, determine, with liberty to change the same in whole or in part at any time, through, along and over the streets of the city of Asheville, the towns and villages of Victoria, Kenilworth, Biltmore, South Biltmore, Buena Vista, Skylands and Arden; and over and along the public highways connecting said city, towns and villages, and to such points in the vicinity thereof as the Board of Directors, or other governing body of the company may determine: *Provided, always*, that the said company shall not use or employ any motive power for propelling its cars, or other vehicles, through, along or over the streets of the city, towns and villages aforesaid, or along or over the highways of the county of Buncombe, which shall be prohibited or forbidden by the Board of Aldermen or other governing body, of said city, towns or villages respectively, or by the Board of Commissioners, in respect to the highways in the county aforesaid. Nor shall it construct, operate or maintain its roadway, tracks, buildings or other appliances over, along or through any of the streets of the said city, towns and villages, without the approval of the Boards of Aldermen, or other governing body thereof, or over or along the public highways of the county of Buncombe without the approval of the Board of Commissioners thereof: *And provided, further*, that the said company shall, under no circumstances, have the right to construct, operate or maintain any road, track, buildings or appliances hereinbefore authorized, through that portion of Buncombe county bounded on the north by the Swannanoa River, on the east by the road leading from Asheville to Hendersonville, and heretofore known as the Buncombe Turnpike Road; on the west by the French Broad River, and on the south by a line due east from the Long Shoals Bridge to the said road leading from Asheville to Hendersonville. The said company shall not be confined to the streets and highways of aforesaid, but may acquire the right to construct and operate its roads, buildings and other necessary structures and appliances over, along and through the property of individuals in the manner hereinafter provided.

SEC. 7. In the event the said Company is unable to agree with the owner or owners of any land, or interest therein, required for the purposes of its incorporation for the purchase or the use of the same, it shall have the right to condemn and appropriate the same in the manner and by the proceedings, as far as the same are practicable, provided in chapter forty-nine (49), Volume 1, of *The Code of North Carolina*, entitled "Rail-

roads and Telegraph Companies," as the same has been amended: *Provided, however*, no appeal from any assessment of damages or amount for compensation or sums awarded for special benefit, advantage or enhanced value shall hinder, delay or operate as a stay to the said company in prosecuting the construction or operation of the said railway lines, buildings or appliances pending said appeal, if the said company shall pay, or tender to the owner or owners, or persons entitled under said assessment or appraisal, the sums which may be due them thereby, or execute a good and sufficient bond with sureties in a sum to be fixed and approved by the court; to pay any and all sums which may be awarded against it on said appeal; and upon making such payment, tender, or executing such bond the said company may forthwith enter in and upon said lands and premises and appropriate them to the uses of its incorporation.

Proviso: Appeal not to operate as a stay to company.

SEC. 8. That the said company shall have power to construct and operate its lines of railway, buildings and appliances in, upon, along and through the streets of the city of Asheville, and the towns and villages of Victoria, Kenilworth, Biltmore, South Biltmore, Buena Vista, Skylands and Arden, and along, upon and over the highways of the county of Buncombe, subject to the rights and powers of the Boards of Aldermen or other governing bodies of the said city, towns and villages, in respect to the streets therein, and of the Board of Commissioners of Buncombe county, in respect to the highways therein, as are conferred and prescribed in section sixty (60) of chapter three hundred and fifty-two (352) of the Private Laws of North Carolina sessions of 1895, and entitled, "An Act to amend, revise, and consolidate the charter of the city of Asheville."

Corporation to use streets and roads subject to control of municipal and county authorities.

SEC. 9. The Board of Directors of the said company shall have power to prescribe and enforce all such by-laws and regulations, not inconsistent with this act or the laws of the State of North Carolina, for the government of the said company and the prosecution of its business, and to alter and change the same from time to time, as they may deem proper.

By-laws.

SEC. 10. The said company shall have the power to fix and collect fares, tolls and freights for the transportation of passengers and property, provided the same shall not be unreasonable; to keep order in their cars, to protect their passengers, and to have and exercise, and their conductors, drivers, agents and servants to have and exercise, the powers and duties enumerated in section seven (7) of chapter two hundred and sixty-two (262), entitled "An act of the General Assembly of North Caro-

Further corporate powers.

lina, entitled 'An act to incorporate the West Asheville and Sulphur Springs Railway Company,''' ratified on the 3rd day of March, 1891.

SEC. 11. That all laws and clauses of laws in conflict with this act, or in abridgment of any right, privileges or power herein conferred shall be deemed repealed, in so far as they are in conflict herewith.

SEC. 12. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 20th day of February, 1897.

CHAPTER 119.

An act to define the duties of local boards of the state colored normal schools.

The General Assembly of North Carolina do enact :

Local boards to have general management of schools.

Local boards to elect superintendents and teachers.

Proviso: Election subject to approval of State Board of Education.

Proviso: Removals to be subject to approval of State Board of Education.

Members of local boards appointed by State Board of Education.

Term of office.

Proviso: Vacancies.

SECTION 1. That the local boards of trustees of the respective State Colored Normal Schools shall have the general management of their respective schools.

SEC. 2. The local Boards of Trustees shall elect their respective Superintendents and teachers, regulate the salaries of Superintendents and teachers: *Provided*, that the election of such Superintendents and teachers and their salaries shall meet the approval of the State Board of Education: *Provided, further*, that when necessary for any cause for the removal of a Superintendent or a teacher in any one of these schools, this shall be done by the local board of trustees, subject to the approval of the State Board of Education.

SEC. 3. The members of the respective local Boards of Trustees shall be appointed by the State Board of Education, their respective terms of office shall be for two years: *Provided*, that any vacancy occurring by death, resignation, or otherwise shall be filled by the State Board of Education.

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

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

In the General Assembly read three times and ratified this —day of February, 1897.

CHAPTER 120.

An act to provide for the working of the public roads of Rockingham county.

The General Assembly of North Carolina do enact :

SECTION 1. That the board of county commissioners of Rockingham county shall, in order to provide for the proper working and constructing of the public roads of said county of Rockingham, at their regular meeting in June, 1897, and at each regular annual meeting thereafter, and it is hereby made their duty to levy a special tax on all property subject to taxation under the State law in said county of not less than 5 cents nor greater than 20 cts. on the \$100 worth of property, and not less than 15 cts. nor greater than 60 cts. on the poll; the constitutional equation to be observed at all times, said taxes to be collected as all other taxes are, to be kept separate in the tax books of the county, to be set aside as a special road fund to be used in the construction, improvement and maintenance of the public roads and culverts of the county of Rockingham, and the purchase of such implements, teams, wagons, camp outfit, quarters or stockades for the use of and safe-keeping of the convict force as may be found necessary in the proper carrying on of this work.

Commissioners of Rockingham county required to levy special tax for roads.

Rate of taxation.

Tax to be collected as other taxes, but kept distinct and used as road fund.

SEC. 2. That there shall hereafter be elected by the board of county commissioners at their regular meeting in January, 1898, and at their regular meeting in January of each succeeding year a superintendent of roads, who shall receive a salary of not more than fifty (\$50.00) dollars per month, to be fixed by the board of county commissioners and to be paid out of the county road fund, and who, after January, 1898, shall hold office for one year, or until his successor has been elected and qualified, as provided by law for other county officers. It shall be the duty of said superintendent of roads to supervise, direct and have charge of the maintenance and building of all public roads, culverts and bridges in said county of Rockingham, and he shall submit to the board of county commissioners of Rockingham county a monthly report concerning the work in progress and the moneys expended; and he shall submit quarterly a report on the condition of the public roads and bridges and plans for improvement, and he shall include in this quarterly report an inventory of the tools, implements, teams and other equipment on hand. Said county road superintendent before entering upon the duties of his office shall deposit with the board of county commissioners a

Commissioners to elect superintendent of roads.

Salary of superintendent.

Term of office.

Duty of superintendent.

Monthly reports.

Quarterly reports.

Bond of superintendent.

How vacancy filled.	good and lawful bond for the sum of \$2,000 as a guarantee of the faithful discharge of the duties of his office, which bond shall be duly registered in the office of the register of deeds and filed with the clerk of the Superior Court of Rockingham county. In case of the death or resignation or removal of said road superintendent it shall be the duty of the county commissioners to elect at their first meeting thereafter a road superintendent, who shall hold office at the discretion of said board of commissioners, or until the regular January meeting of said board, and until his successor has been elected and qualified.
Superintendent with approval of commissioners to appoint guards and township supervisors.	SEC. 3. That, subject to the approval of the board of county commissioners, the county road superintendent shall appoint, with power at any time to remove or discontinue such guards as may be needed to take charge of the convict force, and also one or more persons in each township of Rockingham county to be known as township supervisor of roads, who, acting under the county road superintendent, shall supervise the road work in the township for which they were appointed or such parts thereof as said superintendent may direct. The said guards and township supervisors shall be paid for such time as they may be required to give to this work such compensation, per day, during such time as they are actually employed in working on the public roads, as may be agreed upon by said road superintendent and approved by the board of county commissioners out of the public road fund provided for in section one of this act.
Supervisors to work under direction of superintendent.	SEC. 4. That all able bodied male persons of Rockingham county between the ages of eighteen and forty-five years, except residents of incorporate cities and towns, shall work on the public roads of said county for four days (of 10 hours each) in each and every year at such time and place and in such manner as may be designated by the road superintendent or township supervisors: <i>Provided</i> , that the said superintendent or the supervisors in each township shall give to each person of his township who is subject to road duty, at least three days notice by personal warning or by leaving a written notice at the home or residence of such person, specifying in such notice the time and place when and where such work is to be performed, and also designating in such notice the tool or implement with which such person shall be required to work: <i>Provided, further</i> ,
Compensation of supervisors and guards.	that in case of washout or other unexpected obstruction to travel, the three days notice shall not be necessary and any person liable to road duty in the township in which such obstruction to travel may occur, shall upon being properly summoned by said superintendent or supervisor of roads, respond to such summons with reasonable promptness: <i>Provided</i> ,
Persons subject to road duty.	
When and how work to be done.	
Proviso: Notification to road hands.	
Proviso: Notification not necessary in certain cases.	

further, that any person may in lieu of working four days on the public road pay on or before the first day of July, 1898, and on or before the first day of April of each year thereafter to the county Treasurer, sheriff, or tax collector the sum of one dollar, and it shall be the duty of said Treasurer, sheriff or tax collector, upon receipt of said money, to issue to such person a receipt for the same, stating in such receipt the amount and the year for which the same is paid. All moneys paid to sheriff or tax collector, as provided for in this act, shall within fifteen days after being received by them be turned over to the county treasurer and credited to the road fund of the county or the township from which the same was paid.

Proviso: Money payment in lieu, of work.

Money received in lieu of work to be paid into road fund.

SEC. 5. That any person who shall after being duly notified as provided in section four of this act, fail to appear and work as required to do, or who shall fail to pay the sum of one dollar, or any person who shall appear as notified, and fail or refuse to perform good and reasonable labor as required by the said superintendent, or supervisor shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two nor more than five dollars, or imprisoned not less than five nor more than ten days.

Failure to appear and work a misdemeanor.

Penalty.

SEC. 6. That proper implements and tools for use in working the public roads of Rockingham county as provided in section four of this act, shall be supplied by the county road superintendent, and shall be paid for out of the road fund of the county or out of the road fund of each of the respective townships: *Provided*, that until the county road superintendent shall be able to supply the necessary implements and tools, he may and he is hereby empowered to compel any and all persons working on the public roads of Rockingham county to provide themselves with such implements while working on said road as superintendent or supervisor may designate in his notice or summons as being necessary.

Tools to be furnished by county.

How tools to be paid for.

Proviso: Tools to be furnished by road hands until bought by county.

SEC. 7. That on the first day of June, 1898, and each succeeding year or oftener, if required to do so by said superintendent of roads, the township supervisor of roads in each township of Rockingham county, shall furnish to the county road superintendent a complete list of the names of all persons liable for road duty in the township in which he resides. Said superintendent of roads after receiving the above list of persons liable for road duty shall check off the names of such persons as have paid the sum of one dollar as provided in section four of this act, and shall within fifteen days, and as often thereafter as may be necessary, furnish to each said township supervisor a correct revised list of all persons liable for road duty in each

Supervisor to furnish lists of road hands.

Lists to be revised by superintendent.

Lists of persons failing to work roads or pay commutation to be submitted to magistrates.

Duty of magistrates.

Proviso: Any person may prosecute.

Certain prisoners to be worked on roads.

Convicts assigned on application of superintendent.

Convicts of other counties may be worked on roads of Rockingham county.

Expenses to be paid by Rockingham county.

Proviso: Convicts may be returned.

said township for that year. A list of such persons liable to road duty in each township who have during any year failed to work on the public roads after having been duly notified, or to pay as provided for in section four of this act, shall immediately be submitted by the county road superintendent or supervisor to a magistrate in the township in which such persons reside, and it shall be the duty of said magistrate immediately to issue his warrant for such persons and proceed against them according to law: *Provided, however,* that the defaulting party may be prosecuted at any time and by any citizen of the county.

SEC. 8. That all prisoners confined in the county jail of Rockingham county, under a final sentence of the court for crime, or imprisonment for non-payment of costs or fines, or under the vagrant acts, all insolvents who shall be imprisoned by any court in said county for non-payment of cost, and all persons sentenced in said county to the state prison for a term less than ten years, shall be worked on the public roads of Rockingham county. And upon the application of the said road superintendent of Rockingham county, the judge of the superior court, or the judge of the criminal court, the justices of the peace and the principal officer of any municipal or any other inferior court, it shall be the duty of the said judge or justices of the peace, or said principal officer, to assign such persons convicted in his court to said road superintendent, for work on the public roads of said county.

SEC. 9. That when the county commissioners of Rockingham county shall have made provisions for the expense of supporting and guarding, while at work on the public roads, a larger number of prisoners than can be supplied from Rockingham county upon the application of the county commissioners of said county, the judges of the superior or criminal court, and the justices of the peace and the principal officers of any municipal or other inferior court in adjoining counties, or any other county or counties in the same judicial district, which do not otherwise provide for the working of their own convicts on the public roads, shall sentence prisoners convicted of crimes aforesaid to work on the public roads of said county of Rockingham, and the cost of transporting, guarding and maintaining such prisoners as may be sent to the said commissioners of Rockingham county from said adjoining counties shall be paid by the county of Rockingham: *Provided,* that any and all such prisoners from such other counties may at any time be returned to the keeper of the common jail of such counties, at the expense of the county of Rockingham.

SEC. 10. That the principal public roads to be improved or constructed in accordance with the provisions of this act shall be first carefully surveyed and located by an engineer trained and experienced in such work, aided by the county road superintendent and such assistants as it may be necessary for him to employ, the same to be paid out of the road fund of the county, for services and expenses as may be agreed upon by the county commissioners. All such public roads when changed or hereafter located shall be given a grade nowhere greater than four feet in one hundred and a width of not less than sixteen feet, clear of ditches, trees, logs, and other obstructions. All such roads shall be thoroughly drained, and wherever it may be necessary to turn water across the road this shall be done by putting sewer pipes or other forms of covered drains, culverts, or bridges: *Provided*, that, where in the opinion of an experienced and competent engineer insurmountable obstructions make the grade of one foot in twenty impracticable the grade may be increased to six feet in one hundred for distances of less than fifty feet in any one place; and *Provided, further*, that in places where the party claiming damages, and the third to be selected by these two, with the right of either party to appeal as prescribed for in section twelve of this act.

Engineer to survey and locate roads.

Engineer and assistants to be paid from road fund.

Grade and width of roads.

Drainage.

Proviso: Grade increased in certain cases.

Proviso: Damages.

SEC. 12. That, subject to the approval of the board of county commissioners, the county superintendent of roads is hereby given discretionary power, with the aid of a competent engineer, to re-locate or change any part of any public road where in his judgment such re-location or change will prove advantageous to public travel. That when any person or persons on whose lands the new road or part of the road is to be located claims damages therefor, and within thirty days petitions the board of county commissioners for a jury to assess the damages, the said commissioners, within not less than fifteen nor more than sixty days after the completion of said road, shall order said jury to be summoned as provided by law in section two thousand and twenty-three (2023) of *The Code*, and said jury in considering the question of damages shall also take into consideration the benefits to public travel and to the owner of the land, and if said benefits be considered equal to or greater than the damages inflicted the jury shall so declare.

Superintendent with approval of commissioners may change and re-locate road.

How damages for changed road be assessed.

SEC. 13. That in case either of the two interested parties shall be dissatisfied with the finding of the juries provided for in section eleven and twelve of this act, such dissatisfied party may appeal from the decisions of said jury to the county commissioners, and if dissatisfied with their decision may in turn

Party dissatisfied with award may appeal to county commissioners.

And to superior court.

Proviso : An appeal to be heard *de novo*.

Proviso : Costs not to exceed damages.

Officer or employee failing to discharge duty, misdemeanor.

Penalty.

Secretary to send copies of act.

Special meeting of commissioners.

Ptition for election.

Commissioners to order election.

Date of election.

Registration books to be sent to precincts.

Judges of election.

When polls to be opened and closed.

When returns made.

appeal to the superior court of the county of Rockingham : *Provided, however*, that said appeal may be taken from the judgment of the board of commissioners by either party, and the same shall be heard *de novo* : *Provided, further*, that the party to whom damages are awarded shall recover no more costs than a sum equal to the amount of damages so awarded.

SEC. 14. That any officer or employee appointed by virtue of this act, or to whom duties are assigned in this act, who shall fail to make complete returns within the time prescribed therein, or who shall otherwise fail to discharge the duties imposed upon him by this act, shall in all cases where penalties for such failure are not provided in this act, be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than two hundred dollars or imprisoned not more than one year, at the discretion of the court.

SEC. 15. That before the 15th day of March, eighteen hundred and ninety-seven (1897), 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.

SEC. 16. That the board of county commissioners of Rockingham county shall, on the second Monday in April, 1897, hold a special meeting at the usual place, and if by twelve o'clock, noon, of said day, there shall be presented to said board of commissioners a petition signed by two hundred and fifty (250) freeholders of the county of Rockingham, asking that a special election be held in said county for the purpose of deciding for or against the adoption of this law, then it shall be the duty of said board of commissioners at that time to order an election to be opened and held in said county, at the several voting precincts, on the third (3d) Saturday in May, eighteen hundred and ninety-seven (1897); and at said meeting on April 12th, 1897, said board of commissioners shall order the register of deeds of Rockingham county to forward the registration books of eighteen hundred and ninety-six (1896) of each voting precinct, to the registrars serving in the year eighteen hundred and ninety-six (1896), and all qualified voters registering 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 seventeenth (17th), where and when the vote shall be canvassed in the pres-

ence 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 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 shall meet in the court house, in the town of Wentworth, on or before the first Monday in January, one thousand eight hundred and ninety-eight (1898), and organize for the purpose of carrying out the provisions of this act: *Provided*, that if said election is not called in the above named petitions this act shall be in force and effect.

How returns canvassed and result declared.

Compensation of registrars and judges of election.

Ballots.

If majority of votes cast "For Road Law," act to be operative.

Proviso: Meeting of commissioners to organize road work.

Proviso: If election not called, act to be effective.

SEC. 17. That all laws and parts of laws in conflict with this act are hereby repealed.

SEC. 18. That this act shall be in force from and after its ratification.

In the General Assembly read three times Ratified this 9th day of March, 1897

CHAPTER 121.

An act to reduce the present rates of pilotage for Cape Fear bar and river.

The General Assembly of North Carolina do enact:

SECTION 1. That the present rates of Pilotage of the Cape Fear bar and river, be reduced twenty-five per cent. on vessels while under coastwise license.

Rates reduced for vessels under coastwise license.

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

In the General Assembly read three times. Ratified this the —day of February, 1897.

CHAPTER 122.

An act to restore to the state of North Carolina the control and management of the Atlantic and North Carolina Railroad.

The General Assembly of North Carolina do enact:

State proxy or director unfaithful or negligent in discharge of duty to be removed by Governor and Board of Internal Improvements.

SECTION 1. That whenever it shall be made to appear to the satisfaction of the Governor, that the proxy or the Directors heretofore or hereafter appointed to represent the interest of the State, as a stockholder in the Atlantic and North Carolina Railroad Company, has been in any particular unfaithful or negligent in the discharge of their respective duties to the State, or have done or suffered to be done, or have aided, abetted, or acquiesced, in any act done by the stockholders or Directors of said Railroad Company, the intent, purpose, or effect of which was or may be to impair or lessen the rights of the State as the majority stockholder in said Company, whether said rights were given by the charter or by-laws, and whether negative or positive in their character, or the intent, purpose or effect of which was, or may be to deprive or take from the State, its right of control thereof, through the Board of Directors in the management and direction of the affairs of the said Company, or if it shall appear to the Governor that such proxy or director shall continue in their said dereliction of duty, or having heretofore done or suffered to be done or aided, abetted or acquiesced as aforesaid in such acts of usurpation, shall continue to countenance and support the same, it shall be the duty of the Governor and board of internal improvements forthwith to remove said proxy and Directors and appoint others in their stead, and the said proxy and Directors shall immediately enter upon the discharge of their duties, and the said Directors so appointed, or any two of them, shall at once call a meeting of the Directors of said Railroad Company and elect a President thereof, and it shall be the duty of the officers and agents of said Company to turn over and deliver to the said President the property, Books and Records of said Company and any officers, agent or employee of said Company failing or refusing to turn over the same to said President upon demand shall be guilty of a misdemeanor, and upon conviction shall be fined not less than one thousand dollars nor more than two thousand dollars, or imprisoned not more than six months.

Successors to be appointed.

Directors to meet and elect president.

Property, books and records of company to be turned over.
Misdemeanor.
Penalty.

If board of directors are removed, officers

SEC. 2. If the said board of Directors or any of them shall be removed from their office by the Governor, and board of inter-

nal improvement for any of the causes above set forth, the Governor and board of internal improvements by virtue of the power of removal given to the Governor, and Board by the charter of said Company, it shall be the duty of the officers, agents, and employees of said Company to turn over and deliver the property, books, and Records of said Company to the President of said Railroad, elected by the said board of Directors, at a meeting called as aforesaid, and if any officer, agent or employee thereof shall fail or refuse to deliver and turn over the same to said President, as aforesaid, he or they shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than one thousand dollars nor more than two thousand dollars, or imprisoned not more than six months.

and employees
to turn over
company prop-
erty.

Misdemeanor.
Penalty.

SEC. 3. In case of the refusal of said officers, agents or employees, to deliver and turn over to said President said property, Books and Records, as aforesaid, and in case any officer, agent, attorney, or stockholder of said company shall by litigation or otherwise obstruct, retard or in any way interfere with the organization by said Directors so appointed by the Board of Directors, and the election of a President as aforesaid by said Board, or shall obstruct, retard or in any way interfere with the prompt delivery, as herein described and directed, of the property, Books and Records of the said company, so that the said Railroad shall in any way become involved in litigation concerning the control and management of the affairs of said company, it shall be the duty of the Governor, through such person or persons as he may designate, to institute proceedings in the name of the State or otherwise as he may be advised, in the Superior Court of any county through which said Railroad runs, for possession of said Railroad, and it shall be the duty of the Judge of said court to appoint a receiver of said Railroad Company, who shall take charge thereof and manage and run the same so long as in the judgment of the court it shall be necessary to restore to the State as the majority stockholder in said company, the control and direction of its affairs, as given and contemplated in its charter, and acts amendatory thereof: *Provided*, it shall be no objection to the jurisdiction of said court to appoint a receiver in such action that another action is pending wherein such receiver might be appointed.

In case of refusal
Governor to
institute pro-
ceedings.

Receiver to be
appointed.

Proviso: Juris-
diction.

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.

Ratified the 23d day of February, A. D. 1897.

CHAPTER 123.

An act for the relief of O. A. Durant, late treasurer of Brunswick county.

The General Assembly of North Carolina do enact :

County commissioners empowered to compromise county and school fund lost by bank failure.

Proviso : Certificate of deposit and dividends to be turned over to county.

SECTION 1. That the board of commissioners of Brunswick county be and they are hereby empowered to compromise and settle with O. A. Durant, late treasurer of Brunswick county, and his sureties on such terms as said commissioners shall deem just, his loss by reason of the failure of the bank of New Hanover, at Wilmington, in the county of New Hanover, of the county and school fund deposited in said bank by him : *Provided*, said O. A. Durant assign and transfer to said board of commissioners 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.

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

Ratified the 23d day of February, A. D. 1897.

CHAPTER 124.

An act to amend Senate bill 246.

The General Assembly of North Carolina do enact :

Act not to be in force until 31st March.

SECTION 1. That Senate Bill 246, passed at this session, entitled "An act to prevent the fishing certain nets in Albemarle sound and the rivers emptying therein," shall take effect on March 31st, 1897, and not before then.

SEC. 2. That all laws in conflict with Section 1 (one) of this act are hereby repealed.

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

Ratified the 23d day of February, A. D. 1897.

CHAPTER 125.

An act to extend the time for settlement of state and county taxes for the county of Buncombe for the fiscal years 1896 and 1897.

The General Assembly of North Carolina do enact:

SECTION 1. That T. J. Reed, tax collector for the county of Buncombe, be allowed until the fifteenth (15) day of June, one thousand eight hundred and ninety-seven (1897), to settle his State taxes with the treasurer of the State, for the fiscal year one thousand eight hundred and ninety-six (1896), and until the fifteenth day of June, one thousand eight hundred and ninety-eight (1898), to settle his State taxes with the treasurer of the State, for one thousand eight hundred and ninety-seven (1897).

Tax collector allowed until 15th June to settle with State Treasurer.

SEC. 2. That T. J. Reed, tax collector for Buncombe county, be allowed until the fifteenth (15) day of June, one thousand eighth hundred and ninety-seven (1897), to settle his county taxes with the commissioners of Buncombe county, for the fiscal year of one thousand eight hundred and ninety-six (1896), and until the fifteenth day of June, one thousand eight hundred and ninety-eight (1898), to settle his county taxes with the commissioners of Buncombe county for the fiscal year of one thousand eight hundred and ninety-seven (1897).

Tax collector allowed until 15th June to settle with county treasurer.

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

Ratified the 23d day of February, A. D. 1897.

CHAPTER 126.

An act to amend The Code, section one thousand nine hundred and seventy-three, in reference to Sunday trains.

The General Assembly of North Carolina do enact:

SECTION 1. That *The Code* of North Carolina, Section 1973, be amended by striking out in line five, six and seven of the section the words "either with or without passengers, and except such as shall be run for carrying passengers exclusively;" and by inserting in lieu thereof the following words: and passengers with their baggage, and ordinary express freight in an express car exclusively.

Express freight may be carried on Sunday trains.

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

Ratified the 23d day of February, A. D. 1897.

CHAPTER 127.

An act to stimulate local taxation in the rural districts.*The General Assembly of North Carolina do enact :*

State Board of
Education may
use proceeds of
swamp lands.

SECTION 1. That the State Board of Education be, and is hereby authorized to use the State funds that have accumulated and may accumulate each year hereafter, as income on the sale of swamp lands, public lands, interest on bonds, and all other sources of revenue of said board, as hereinafter provided for : *Provided*, that said income shall not exceed twenty thousand dollars.

Proviso : Not to
exceed \$20,000.

Money used in
assisting rural
districts taxing
themselves.

SEC. 2. That the State Board of Education shall have the power to give for three successive years in sums of fifty dollars (\$50.00) and seventy-five dollars (\$75.00) and one hundred dollars (\$100.00) of this money to any rural district of the State that may vote to tax themselves to raise an equal amount to that received from the State for three successive years : *Provided*, that in case more districts vote to tax themselves than the State Board shall have funds to supply, the district first to tax itself shall receive aid first, and each successive district shall come in for aid in order of time as to its election of taxation until the funds of the State Board of Education are exhausted : *Provided, also*, that the State Board of Education shall distribute its funds without discrimination in favor of or to the prejudice of any district in the State.

Proviso : Dis-
tricts to be
assisted in order
of election of tax-
ation.

Proviso : Funds
to be distributed
without preju-
dice.

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 23d day of February, A. D. 1897.

CHAPTER 128.

An act to provide cotton weighers for the towns of Wadesboro, Morven and Lilesville in the county of Anson.*The General Assembly of North Carolina do enact :*

Cotton weigher
named,

SECTION 1. That John S. Jones, Edward Martin and Lewis Jones, are hereby appointed cotton weighers for the towns of Wadesboro, Morven and Lilesville respectively, to hold said office from and after the first Monday in April, 1897, and until

Term of office.

their successors shall be elected and qualified, who shall qualify before the clerk of the Superior Court of Anson county by taking the oath provided for in section three of this act.

SEC. 2. That there shall be elected by the qualified voters of Anson county at the next General election after the ratification of this act, and every two years thereafter, a cotton weigher for the towns of Wadesboro, Morven and Lilesville in said county, who shall hold their offices for two years and until their successors are elected and qualified.

Cotton weighers to be elected.

Term.

SEC. 3. That the said cotton weighers appointed by this act, and those thereafter to be elected as aforesaid, shall give a good and justified bond in the penal sum of five hundred dollars, payable to the State of North Carolina, conditioned for the faithful performance of his duty as cotton weigher; said bond to be approved by the county commissioners, at the same time and in the same manner, other bonds of other county officers, and when so approved, shall be filed in the office of the register of deeds for safe keeping; the said cotton weighers herein provided for, shall, 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, 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. 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 towns of Wadesboro, Morven or Lilesville shall be guilty of a misdemeanor and fined ten dollars for each and every bale so weighed by him.

Cotton weighers to give bond.

Cotton weighers to take oath.

Form of oath.

Oath filed and recorded.

Penalty on persons weighing cotton.

SEC. 4. The cotton weigher provided for in this act shall receive as compensation for his service the sum of six cents per bale, to be collected and paid for as hereinafter provided; every buyer of baled cotton in said towns of Wadesboro, Morven and Lilesville shall pay to the cotton weighers their six 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 three cents for each bale, the intention of this act being that buyer and seller or owner shall pay each one-half the fee for weighing said cotton.

Compensation of cotton weighers.

How paid.

Buyer and seller to each pay half.

SEC. 5. In the event of the said John S. Jones, Edward Martin and Lewis Jones, or any one of them, failing to go before

If persons named fail to qualify,

county commis-
sioners to fill
vacancy.

the clerk of the Superior Court of Anson county within fifteen days after the first Monday in April, 1897, and take the oath of office herein provided for and file his bond as aforesaid, or in the event of any vacancy hereafter occurring in the office of cotton weigher by death, resignation or failure to give bond and qualify, or other cause, the said vacancy shall be filled by the board of county commissioners, by appointment, and the said cotton weigher so appointed upon his qualification shall hold his office until his successor is elected and qualified.

SEC. 6. That all laws in conflict with this act are hereby repealed.

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

Ratified the 23d day of February, A. D. 1897.

CHAPTER 129.

An act to establish a system of working convicts on the public roads of Rutherford county.

The General Assembly of North Carolina do enact :

Male criminals
may be worked
on roads.

SECTION 1. That the county commissioners of Rutherford county are hereby authorized and empowered to work all male persons convicted of crime in any court of competent jurisdiction and sentenced upon final judgment to imprisonment in the county jail of said county, or imprisoned therein for cost and fine or either, after final judgment, on the public roads of said county, or on the public streets in any incorporated town in said county, as hereinafter provided, and any judge riding the Eleventh Judicial District of this State may, at his discretion, sentence such parties convicted of crime before him in any county in said District to work on the public roads in said county.

Commissioners
to employ
guards.
Compensation.

SEC. 2. That said county commissioners shall employ such necessary guards as they shall deem proper at a compensation not to exceed one dollar and a half per day, to be paid out of the treasury of said county.

Act of 1895
amended.

SEC. 3. That chapter two hundred and eighty-three of the laws of 1895 be amended by striking the word Rutherford from said act wherever it occurs.

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

Ratified the 23d day of February, A. D. 1897.

CHAPTER 130.

An act for the protection of trout and other fish in Banner Elk, Watauga county.*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for the owner of any steam saw-mill to permit saw-dust from his mill to flow into Banner Elk.

Unlawful to allow saw dust to flow into Banner Elk.

SEC. 2. That any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both at the discretion of the Court.

Misdemeanor. Penalty.

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

Ratified the 23d day of February, A. D. 1897.

CHAPTER 131.

An act to give deputy clerks of the superior courts the power to probate deeds and conveyances.*The General Assembly of North Carolina do enact :*

SECTION 1. That the Deputy Clerks of the several Superior Courts are authorized and empowered to take the probate of deeds and conveyances, and the privy examination of married women, and of all other contracts and writings required by law to be registered in all cases and with the like effect, when the power to take such probate and privy examination is conferred upon Superior Court Clerks, and shall receive the same fees for such services by him rendered as are provided by law to the clerks of the superior court for similar services, which shall be paid to the clerk of said courts.

Deputies of Superior Court clerks authorized to take probates and privy examination.

SEC. 2. That all probates and orders of registration made by, and taken before any Deputy Clerk of any Superior Court Clerk, and valid in form and substance, shall be valid and effectual, and all deeds, mortgages or other instruments requiring registration, shall be valid for all purposes and to all extent, as if the probate thereof, and order thereon, had been taken before and made by the clerk of the superior court.

Probates and orders of registration by deputy clerks valid.

SEC. 3. The clerks of the superior courts shall be held responsible in all respects for the acts of their deputies, as authorized by this act ; and the deputies shall be subject in all respects to all the laws which apply to the clerk.

Clerks responsible for acts of deputies.

Appointment of
deputy to be
recorded.

SEC. 4. That clerks of superior courts making appointments under this act, shall make a record of said appointments on the Special Proceedings Docket of his court, giving the name of the appointee and date of such appointment, and make a cross index of the same, and furnish to the Register of Deeds of his county a transcript of said record, whose duty it shall be to record the same on the records of deeds in his office, and make a cross index of said record.

Copy of record
prima facie evi-
dence of appoint-
ment.

A duly certified copy of this record, from the office of the Register of Deeds, shall be deemed *prima facie* evidence of the regularity of said appointment, and shall be admitted as evidence in all the courts of this State as are other records from said office.

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

Ratified this 23d day of February, A. D. 1897.

CHAPTER 132.

An act to authorize Rutherford county to levy a special tax.

The General Assembly of North Carolina do enact:

Commissioners
may levy special
tax.

Limitation.

SECTION 1. That the commissioners of Rutherford county are hereby empowered and authorized to levy a special tax for the year 1897, not to exceed fifteen cents on the one hundred dollars' worth of property and forty-five cents on the poll, "observing the constitutional equation between the poll and property," for the purpose of building and repairing bridges in said county.

Purpose.

Tax levied and
collected as
other taxes.

SEC. 2. Said taxes shall be levied and collected as other county taxes are levied and collected.

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

Ratified the 23d day of February, A. D. 1897.

CHAPTER 133.

An act to amend a resolution of the General Assembly of North Carolina, ratified February 16th, 1877.*The General Assembly of North Carolina do enact :*

SECTION 1. That a resolution adopted by the General Assembly of North Carolina, and ratified the 16th day of February, 1877, be amended by striking out the words "six months for not less than two hundred and seventy-five dollars or at Public Sale, as he may deem best," and insert in place thereof the following words : "Public Auction at the Court House door, in the city of Fayetteville, County of Cumberland, to the highest bidder, for cash."

State arsenal at Fayetteville to be sold at auction.

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

Ratified the 23d day of February, A. D. 1897.

CHAPTER 134.

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

SECTION 1. That the board of county commissioners of Caswell county are hereby authorized and empowered to levy a special tax in the years one thousand eight hundred and ninety-seven, "1897," and one thousand eight hundred and ninety-eight "1898," not to exceed twenty cents on every hundred dollars worth of taxable property in said county, and sixty cents on the poll, the constitutional equation to be observed in said levies ; the said special tax being for the purpose of meeting the ordinary expenses of the county.

Special tax authorized.

Limitation.

SEC. 2. That the said special tax shall be levied at the same time with the other levies in said years, and 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 that the other taxes levied for said county are collected.

To be levied and collected as other taxes.

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

Ratified the 24th day of February, A. D. 1897.

CHAPTER 135.

An act to provide for the printing of the laws.

The General Assembly of North Carolina do enact:

Number of cop-
ies to be printed.

SECTION 1. That of the public laws of each session of the General Assembly there shall be printed eight thousand five hundred copies, and of the private laws there shall be printed one thousand and fifty copies, to be bound and distributed as now provided by law.

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

Ratified the 24th day of February, A. D. 1897.

CHAPTER 136.

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

The General Assembly of North Carolina do enact:

Special tax
authorized.

Limitation.

Purpose of tax.

To be levied and
collected as
other taxes.

SECTION 1. That the commissioners of Mitchell county, be and they are hereby authorized and empowered, to levy a special tax, not to exceed the sum of three thousand “\$3,000” dollars, one-half to be levied and collected in the year one thousand eight hundred and ninety seven “1897,” the other to be levied and collected in the year one thousand eight hundred and ninety-eight “1898,” 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-nine “1899,” or both as the said board of commissioners may deem proper.

SEC. 2. That the special taxes, herein provided for, shall be levied and collected as other taxes are levied and collected.

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

Ratified the 24th day of February, A. D. 1897.

CHAPTER 137.

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

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of County Commissioners of Alleghany county, be and they are hereby authorized and empowered to levy a special tax, not to exceed ten cents on the hundred dollars valuation of property, and thirty cents on each poll, annually for three years, viz., one thousand eight hundred and ninety-seven, and one thousand eight hundred and ninety-eight and one thousand eight hundred and ninety-nine, to be expended for the purpose of paying the indebtedness of said county.

Special tax
authorized.

Limitation.

Purpose of tax.

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

To be levied and
collected as
other taxes.

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

Ratified the 24th day of February, A. D. 1897.

CHAPTER 138.

An act to levy a special tax for the working of public roads in Guilford county.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of commissioners of Guilford county, at their regular session on the first Monday of June in each year, may levy a special *ad valorem* tax on all property subject to taxation under the general state laws in said county, not exceeding twelve and one-half cents on the hundred dollars valuation, and a poll tax on all persons liable under the general laws, at all times preserving the constitutional equation as to property and poll tax. Said taxes to be put upon the tax lists of the county, but in a separate column, and shall be collected as all general taxes are collected, and when so collected shall be held and applied under the orders of the said Board of Commissioners to the expense of transportation, maintenance, clothing, medical attention, support, guarding, providing stockades or other structures, employing overseers for and of the convicts hereinafter provided for, buying tools, machinery, teams and maintenance of same, and material of such character as may be

Special tax
authorized.

Limitation.

Taxes to be listed
in separate
column.

To be collected
as other taxes.

How tax applied.

needed, and constructing and keeping in repair the public roads and building and keeping in repair public bridges in said county, and carrying into effect the purposes of this act.

Convicts may be sentenced to work on roads by Superior or Criminal Courts.

SEC. 2. That the Judges holding the superior court of said county and the judges of any criminal court held therein, be and are hereby empowered on the request of said Board of Commissioners, to sentence to be worked upon the public roads of said county of Guilford, under the control and keeping of said Board of Commissioners and their agents and employees, all persons convicted in said courts who by the judgment thereof shall be punished by imprisonment or committed in default of paying costs and fines or either, except such as shall be convicted of murder, man-slaughter, rape or arson, and except such other convicts as the said Judges may in their discretion deem advisable to send to the State Penitentiary as now provided by law: *Provided*, that nothing herein contained shall prohibit or in any way restrict the said Judges from suspending judgment or imposing fines only in such cases as to them shall appear right and proper.

Proviso: Power of judge to suspend judgment or impose fine not impeded.

Convicts may be sentenced to work on roads by mayors or justices of the peace.

SEC. 3. That the mayors of the cities of High Point and Greensboro, and the justices of the peace in said county, are hereby authorized and empowered to sentence, to work on the said roads as herein provided for convicts of the Superior and criminal courts, all such persons as they shall try and convict of offences of which they have final jurisdiction, and also all persons, including those charged under bastardy proceedings who may be by them sentenced to pay a fine and costs.

Judges may sentence convicts of other counties to work on roads of Guilford county.

SEC. 4. That the judges holding the superior and criminal courts of any and all counties of the state not working the convicts thereof and therein on the public roads of such county or counties, or in any other county under some other act of the General Assembly, are hereby authorized, empowered and required, to sentence to work upon the public roads of Guilford county, all such convicts in said courts as shall be worked upon the public roads under and by the second section of this act. But it is especially provided that the courts mentioned in this section shall not so sentence said convicts until and unless the Board of Commissioners of Guilford county shall make application for such convicts for the purpose of working them on the said public roads of Guilford county. And it is expressly provided that if at any time the said Board of Commissioners of Guilford county shall in their discretion deem it to the public benefit of their said County to discontinue the employment of convicts of and from any or all the courts of the counties herein referred to, the said Board of Commissioners shall notify

Convicts not to be assigned except on application of county commissioners.

the said courts of such county or counties of their determination, and after such notification the Judges holding such courts shall cease to sentence such persons to be worked upon the public roads of said County of Guilford, and shall sentence the same as is now provided by law.

SEC. 5. That the said Board of Commissioners shall have power to employ a competent civil engineer to lay out new roads and direct the manner in which any others may be improved, changed or repaired, and also to employ all such overseers and guards as to them shall be deemed needful, with power to discharge any of them at any time, without being subjected to action therefor at the instance of such person discharged, and all such engineers, overseers and guards, shall be paid out of the taxes raised under and by this act, such compensation as shall be agreed upon by and between such persons so employed and said Board of Commissioners.

Board to employ engineer, overseers and guards.

And may discharge same.

Compensation of engineer, overseers and guards.

SEC. 6. That in the event any person shall be adjudged to work upon the public roads under the provisions of this act, for failure to pay costs and fines, or either, such persons shall be credited for the sum of twenty-five cents for each day he shall work, and shall remain at work till such costs and fines or either shall have been fully discharged at that rate: *Provided*, that all such persons shall be credited with that amount per day for and on such day or days as he shall have been prevented from work by reason of sickness: *Provided, further*, that no women shall be worked upon said roads.

Rate of allowance to persons working out fines and costs.

Proviso: Allowance for time lost by sickness.

Proviso: No women to be worked on road.

SEC. 7. That it shall be competent and lawful for said Board of Commissioners to require of all such overseers and guards as they may employ under this act, bonds in such penal sums as they may fix, payable to the county of Guilford, conditioned for the faithful performance of all duties imposed upon them by and under such rules and regulations as said board may adopt and they are hereby empowered to adopt such as to them may seem needful to carry out and give effect to this act, and such overseers and guards shall have full power to hold and retain in custody, and any citizen of the State may without written warrant rearrest, if any should escape, all persons adjudged to work on said public roads and return them to said overseers and guards, who shall work them on said roads under the direction of said Board of Commissioners.

Board may require bonds of overseers and guards.

Escaped convicts may be re-arrested without warrant.

SEC. 8. It shall be the duty of said Board of Commissioners to provide and maintain reasonably safe and comfortable quarters for said convicts so committed as herein provided, and feed them with reasonably wholesome diet in sufficient quantities and

Board to provide quarters and food for convicts.

Proviso: Board of Commissioners and members not liable in damages. clothed them in suitable manner: *Provided*, that said Board of Commissioners nor any individual member shall be civilly liable to any action for damages for any thing done or omitted to be done in good faith under this act.

County road machinery may be used by townships. SEC. 9. It shall be lawful for the said Board of Commissioners to allow in their discretion in all respects the Boards of Supervisors in the several townships in said county the use of any machinery they may buy under the provisions of this act, to be worked and used in working the public roads in such townships.

Mecklenburg road law to apply to Guilford county. SEC. 10. That the provisions of Chapter 134 of the laws of 1885, entitled, "An act relative to Roads and Highways for Mecklenburg, and the amendments thereto, shall apply to Guilford county, notwithstanding the fact that Gilmer and Morehead Townships therein, have adopted the provisions of the same under Chapter 501 of the laws of 1889: *Provided*, that if any part of said chapter shall conflict in any particular with any section of this act, as hereinbefore set out, that the same is not and shall not be adopted.

Proviso: In case of conflict this act to prevail.

Supervisors of Morehead and Gilmer townships relieved from duty.

SEC. 11. That from and after the ratification of this, it shall be competent and the duty of the Board of Road Supervisors in and for Gilmer and Morehead Townships, in said county of Guilford, to discontinue the exercise of the powers conferred on them under Chapter 501 of the laws of 1889: *Provided*, that nothing herein contained shall in any way interfere with the collection of the road taxes heretofore levied and put upon the tax-list for collection in said Morehead and Gilmer Townships: *And provided, further*, that all taxes heretofore levied, by said townships, shall be used solely in the improvements of the Public Roads in said townships respectively, as said Board of Road Supervisors for said Townships may direct.

Proviso: Taxes heretofore levied in Morehead and Gilmer townships to be collected and applied to roads of same.

Residents of Greensboro and High Point relieved from road work.

SEC. 12. That no person who resides in the city of Greensboro, or in the city of High Point, in said county of Guilford, and pays his taxes therein for corporate purposes, or would be liable for, if of full age, as by law required so to do, shall be required to perform any labor on the public roads of said county, as provided in Section 5th of said Chapter 134 of laws of 1885.

Act to apply only to Guilford county.

SEC. 13. This act shall be in force from and after its ratification, and all laws and parts of laws in conflict with the provisions of this Act are hereby repealed, in so far as they may relate to Guilford county.

Ratified the 24th day of February, A. D. 1897.

CHAPTER 139.

An act to authorize the commissioners of Nash county to levy a special tax for the purpose of paying its indebtedness.

The General Assembly of North Carolina do enact:

SECTION 1. That the commissioners of Nash county be authorized and empowered to levy a special tax upon the property and polls of said county, not exceeding ten cents upon the one hundred dollars worth of property and thirty cents on the poll, for the purpose of paying its indebtedness incurred in meeting the necessary expenses of the county.

Special tax authorized.

Limitation.

SEC. 2. That the tax authorized to be levied under this act shall be levied and collected as other taxes are, and may be levied and collected during the year eighteen hundred and ninety seven, and eighteen hundred and ninety eight, and no longer.

To be levied and collected as other taxes.

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

Ratified the 24th day of February, A. D. 1897.

CHAPTER 140.

An act to authorize the County Commissioners of Yancey county to levy a special tax.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of Yancey county are hereby authorized and empowered at their regular meeting on the first Monday in June, 1897, the year one thousand eight hundred and ninety seven, one thousand eight hundred and ninety eight, and one thousand eight hundred and ninety nine, or at such times 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 purposes of paying off certain judgments against the county of Yancey, and general indebtedness of said county.

Special tax authorized.

Purpose of tax.

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

To be levied as other taxes.

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.

To be collected as
other taxes.

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.

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

Ratified the 24th day of February, A.D. 1897.

CHAPTER 141.

An act to establish a stock law in a part of White Oak township, Bladen county.

The General Assembly of North Carolina do enact:

Lawful fence to
be built.

Boundaries of
stock district.

SECTION 1. That a lawful fence shall be built around that part of White Oak Township, in Bladen county, beginning at or near the corner of John T. Martin's land, on the east side of Harrison creek, in O. W. Kinlaw's line, and running thence with and up Harrison creek to the Giles Sikes fence on the lower side of Cedar Swamp; thence with said fence to the nearest point in O. J. Tatum's fence, at the bend of the road. Thence with O. J. Tatum's fence around the head of White Oak Swamp to the east side of said swamp; thence with said Tatum's fence down the east side of said swamp to and with the hill-side of said swamp to the line fence between W. C. Dunham's and D. J. Wiloughby; thence with said fence to W. C. Dunham's lower fence on south-east bend of said swamp; thence with said W. C. Dunham's lower fence to John T. Martin's fence; thence with said J. T. Martin's fence to T. G. Kinlaw's fence; thence with T. G. Kinlaw's fence to J. T. Martin's; thence with said Martin's fence to a line between said Martin's and Mrs. T. Clifton's; thence across said Clifton's field to Clifton's and Martin's line; thence with Clifton's line to a corner near Clifton's house; thence across Martin's land to Martin's barn lot; thence across the road to Martin's fence; thence with Martin's fence to the beginning.

Boundary fence
alone required.

SEC. 2. That said fence shall be the only fence required by law for the protection of crops in the district enclosed by said fence; 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 fifteen dollars, or imprisoned not more than ten days.

SEC. 3. The Board of Commissioners for Bladen county shall, on the first Monday in April of each and every year, or at any regular meeting thereafter during the year, 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 each and all Registrations so made. Said Registrar shall keep said Register open at all times for inspection, Sundays excepted.

SEC. 4. The Commissioners of said County may, at any time, remove said Registrar and appoint his successor.

SEC. 5. That it shall be lawful for any person to take up any live stock running at large in said district, and to impound the same, and the person taking up said stock shall immediately file a description of stock with the Registrar of said district, and such person taking up and impounding said stock may demand for every horse, mule, or cow, so taken up, twenty-five cents, and twenty-five cents for each and every day said stock is kept impounded; and ten cents per head for taking up all other kinds of live stock, and ten cents additional for each day said stock is kept impounded: *Provided*, the person taking up said stock shall feed, water and care for the same.

The person taking up said stock may keep the same until the registration fees and all legal charges for taking up and impounding the same are paid.

SEC. 6. That if the owner of any live stock so impounded shall neglect to reclaim said stock within twenty days after said description is filed by the Registrar, the impounded stock, after ten days written notice, posted at three or more places in said District where said stock is impounded, describing the same, and stating the place, day and hour of sale, shall be sold at public auction by the person impounding the same, who shall apply the proceeds of said sale 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 the balance shall be turned over to the overseer, who shall apply the same to keeping up said fence.

SEC. 7. That upon written application, under oath, of person stating that he has suffered damages by reason of any stock

Stock not to run at large in district.

Owners liable for damages.

Misdemeanor.

Penalty.

Registrar of impounded stock to be appointed.

Duty of registrar.

Compensation.

Register open to public inspection.

Commissioners may remove registrar and appoint successor.

Stock running at large impounded.

Impounder to file description.

Impounder's charges.

Proviso: Impounder to care for stock.

Stock may be kept until fees and charges paid.

Impounded stock to be sold at auction.

Notice required.

How proceeds applied.

How damages ascertained.

running at large in the said enclosed district, any justice of the peace in the township in which the damages are 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.

Person suffering damages may recover against owner of stock.

Any person unreasonably worrying stock guilty of misdemeanor.
Penalty.

Impounder or overseer misappropriating money guilty of a misdemeanor.
Penalty.

Stock defined.

Overseers appointed to put up fence.

How cost apportioned.

Cost to be collected as taxes.

Proviso: Land owners may keep fence in repair in place of tax for repairs.

Land owners may keep fence in repair in place of tax for repairs.

If land owners fail to build or

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 owner of said stock, and if any person shall, with gun, dogs or otherwise unreasonably chase, worry, maim or kill any such stock when trespassing upon his lands or crops, he shall be guilty of a misdemeanor, and upon conviction, shall be fined not more than twenty dollars, or imprisoned not more than ten days.

SEC. 8. That any impounder or overseer wilfully misappropriating money that he may receive under this act, or in any manner violate any of its provisions, shall be guilty of a misdemeanor, and upon conviction shall be fined, not more than twenty dollars (\$20.00) or imprisoned, not more than ten days.

SEC. 9. The word "*Stock*" in this act shall be construed to mean horses, mules, jacks, jennies, jennets, colts, cows, calves, sheep, goats, hogs and all such cattle or swine.

SEC. 10. That W. E. Rice, T. G. Kinlaw and T. J. Purdie are hereby appointed overseers, and they shall have said fence put up and gates erected by first Monday in April, 1897, and shall apportion the cost of said fence and gates among land owners of said district, according as the value of each land owner's land shall bear to the value of all the land in said district.

Should any one refuse or fail to pay, for one month after demand, the overseer shall deliver the amount to the sheriff of the county, who shall collect the same as other taxes, and be entitled to the same fees: *Provided*, that any land owner may, if he desires, build his proportional part of said fence in payment of his tax, that part to be constructed by him, to be allotted to said land owner by said overseer, who shall receive and accept the same, when constructed according to law, and shall be sole judges whether or not said fence is constructed according to contract, made by said overseer with said land owner.

That any land owner may keep that part of the said fence allotted to him, in proper repair in place of the payment of any tax for repairs.

If any land owner who may select to build and keep in repair a part of said fence in payment of his taxes, shall fail for thirty

days to build or repair the same, the overseers or overseer shall proceed at once to build or repair the same, and if the said land owner fail to pay the required tax for building or repairing said fence for one month after demand, the said overseer shall deliver the amount to the sheriff who shall proceed to collect the same as above provided: *Provided*, that in case of a fire or washout caused by flood or rains or any providential cause, it shall be the duty of the land owners upon whose section, as allotted to him, the injury occurs, to repair the same at his own proper cost and expense.

repair fence
overseer to do so.
And tax shall be
collected from
land owner.

Proviso: Land
owner to repair
injury by flood or
fire to portion of
fence allotted to
him.

SEC. 11. That the commissioners of the county, shall, on the first Monday in April in each and every year, appoint some land owner in said district overseer of said fence, whose duty it shall be to keep said fence in good repair, at the expense of said land owner, or see that the said land owners keep their sections so repaired, as herein required, and he shall not be required to serve more than one year. For the wilful neglect of the duties herein imposed, he shall be guilty of a misdemeanor, and upon conviction fined not more than twenty dollars (\$20.00), of imprisoned not more than ten days.

Commissioners
to appoint over-
seer of fence.

Duty of overseer.

Neglect of duty a
misdemeanor.

Penalty.

SEC. 12. Said overseer shall have the power to take the necessary timber from the land owners of said district to construct and repair said fence. The owner of said timber may receive for it what may be agreed upon, or if there be a disagreement, what two freeholders may say it is worth, one of them to be selected by the overseer and the other by the land owner, and if the two do not agree, they shall select a third person or umpire.

Overseer may
take necessary
timber.
Compensation
for timber.

SEC. 13. Said fence shall be built with gates at convenient distances, and when complete, it shall be the duty of the overseer to give public notice by posters, at three places in said district, of the completion of said fence and from and after ten days from such publication, the provisions of this act shall go into operation and effect.

Fence to be built
with gates.

Notice to be
given.

When act to go
into effect.

SEC. 14. It shall be lawful to erect gates across the public roads in said district, and any one owning land in the enclosed district, shall have the privilege of erecting, at his own expense, private gates in said line of fence.

Gates across pub-
lic roads and pri-
vate gates.

SEC. 15. That any person who shall wilfully open, impair, pull down 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 twenty dollars (\$20.00), or imprisoned, not more than ten days.

Misdemeanor to
injure fence or
gates.
Penalty.

SEC. 16. It shall be the duty of the overseer to inspect said fence, especially after a fire, flood, or storm, and compel the

Overseers to
inspect fence.

And require proper land owner to build or repair.
Upon failure of land owner, overseer to build or repair.
Costs to be collected from land owner.

Land owner building section of fence to keep same section in repair.

Lawful fence defined.

proper land owner to repair or build the same, in accordance with the provisions of this act, and upon failure for ten days after notice, to so build or repair the same and assess the cost upon the land owner, whose duty it was to build or repair the same, and have the sheriff to collect said amount, as herein provided.

SEC. 17. That any land owner or his assign, who may build a section of the said fence in the payment of the tax assessed against him, shall have the right to retain the said section allotted to him in making repairs on said fence, in the place of the payment of taxes assessed for repairs.

SEC. 18. That the term "lawful fence" used in this act, shall be construed to mean a rail fence four and one-half feet high, with each corner locked with two rails, or a plank paling, slat, wire, stone, or rock fence four feet high.

SEC. 19. That this act shall be in force from and after its ratification.

Ratified the 25th day of February, A. D. 1897.

CHAPTER 142.

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

The General Assembly of North Carolina do enact:

Special tax authorized.

Limitation.

Purpose of tax.

SECTION 1. That the commissioners of Brunswick county be, and they are hereby authorized and empowered to levy a special tax, at the same time of other levies, upon the taxable property, and polls of said county, for the years one thousand eight hundred and ninety-seven (1897) and one thousand eight hundred and ninety-eight (1898) of 15 cents on the one hundred dollars worth of property, and forty-five cents on the poll, said special taxes to be applied to the payment of the floating debt of said county.

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

Ratified the 24th day of February, A. D. 1897.

CHAPTER 143.

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

The General Assembly of North Carolina do enact :

SECTION 1. That the board of commissioners of Anson county, be and they are hereby authorized and empowered to levy a special tax in the years eighteen hundred and ninety seven and eighteen hundred and ninety eight, at the same time with other levies of taxes in said years, on all subjects of taxation in said county ; the said special tax in each of said years, not to exceed ten cents on the hundred dollars of property, and thirty cents on the poll. Said tax being to meet the ordinary expenses of said county ; said tax shall be collected and accounted for by the sheriff or other tax collectors of said county in the same manner, under same penalties and within the time, as the taxes levied for said county.

Special tax authorized.
Limitation.
To be collected as other taxes.

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

Ratified the 25th day of February, A. D. 1897.

CHAPTER 144.

An act to authorize the clerk of superior court of Durham county to appoint Mrs. Sallie G. Brown guardian of the infant children of J. C. Brown, without bond.

The General Assembly of North Carolina do enact :

SECTION 1. That the clerk of the superior court of Durham county is hereby authorized and empowered, notwithstanding any provision of the general law, to appoint as guardian of the estate of the infant children of J. C. Brown deceased, their mother Mrs. Sallie G. Brown, without requiring her, the said Mrs. Sallie G. Brown, to execute bond or undertaking as such guardian, except her own obligation without sureties, which is hereby declared to be sufficient, and in all respects a full and complete compliance with the law, this also being in compliance with the will of the said J. C. Brown deceased.

Clerk may appoint guardian on her own obligation without sureties.

SEC. 2. And the executor of said J. C. Brown deceased, is hereby authorized and directed to pay and deliver to such guardian, when qualified, all money and property in his hands belonging to said minor children of J. C. Brown deceased, and

Executor to deliver estate of minors to guardian.

Guardian to take and hold estate of minors. said Sallie G. Brown guardian, and when so appointed is hereby authorized and empowered to take and to hold as such guardian all other money or property that may come to the estate of said minor children, from any source whatever as the law directs, and the receipt of such guardian shall be in full satisfaction of the liabilities of said executor to said children.

Receipt of guardian.

SEC. 3. That all laws or clauses of laws inconsistent with this act is hereby repealed and this act shall be in force from and after its ratification.

Ratified the 25th day of February, A. D. 1897.

CHAPTER 145.

An act to prohibit the use of Dutch or Pond nets and fish traps in the waters of Neuse river.

The General Assembly of North Carolina do enact :

Penalty for taking fish with forbidden implements.

SECTION 1. That any person or persons who shall use or cause to be used any dutch net, pond net, or other stationary trap, net or seine of similar description by whatever name known, in the waters of Neuse river for the purpose of taking fish therefrom, shall for each day's use thereof as aforesaid forfeit and pay the sum of fifty (\$50.00) dollars. The penalties herein created shall be recovered by warrant before any justice of the peace in the counties of Carteret, Craven and Pamlico, and shall be applied to the use of the public schools of said counties, and such offender in addition to the penalties contained in this section shall be guilty of a misdemeanor and on conviction thereof shall be fined not less than one hundred (\$100.00) dollars, nor more than five hundred (\$500.00) dollars, or imprisoned in the county jail not less than six (6) months nor more than twelve (12) months: *Provided*, this act shall not apply to the ordinary set nets heretofore in use in the waters of said river.

How penalty recovered.

Row applied.

Misdemeanor.

Penalty.

Proviso: Set nets not forbidden.

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

When to take effect.

SEC. 3. That this act shall be in force on and after the first (1st) day of July one thousand eight hundred and ninety-seven (1897).

Ratified the 25th day of February, A. D. 1897.

CHAPTER 146.

An act to protect birds in Randolph and Davidson counties.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful to kill, shoot, trap or net partridges, quail, wild turkeys or woodcocks in the counties of Randolph and Davidson between the first day of March and the fifteenth day of November in each year, and any person who shall violate this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding ten dollars or imprisoned not exceeding ten days.

Unlawful to kill game from 1st March to 15th November.
Misdemeanor.
Penalty.

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 25th day of February, A. D. 1897.

CHAPTER 147.

An act to establish graded schools in the town of Monroe, Union county.

The General Assembly of North Carolina do enact :

SECTION 1. That all territory embraced within the corporate limits of the town of Monroe, Union county, shall be and is hereby constituted the Monroe Graded School District for the white and colored children.

Town of Monroe constituted graded school district.

SEC. 2. That the commissioners of the town of Monroe are hereby required to submit to the qualified voters of the said town within sixty (60) days after the passage of this act, the question whether an annual tax shall be levied for the support of the graded schools in said town, and the said election to be governed by the regulations for electing municipal officers of said town.

Election to be held.

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.

Ballots.

If majority vote "For Schools," tax to be levied.	<p>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 to support the school, not exceeding sixty (60) cents on hundred (\$100.00) dollars worth of real and personal property, and other property taxed by the laws of North Carolina, and upon the poll not exceeding one (\$1.80) dollar and eighty 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: <i>Provided</i>, that if the tax is not voted the board of commissioners upon the written petition of one third ($\frac{1}{3}$) of the qualified voters shall order a new election held, said election to take place at any time not within one year of the previous election.</p>
Limitation.	
Proviso: New election.	
Bonds of tax col- lector and treas- urer.	<p>SEC. 5. That said taxes shall be paid over by the said tax collector of the said town, to the treasurer of the said town, which officer shall give bonds in such amounts as the commissioners of said town shall direct, 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 school of said town.</p>
School funds kept separate.	
How paid out.	
Trustees named for graded schools.	<p>SEC. 6. That H. B. Adams, R. A. Morrow, J. C. Fletcher, W. S. Lee, S. J. Welsh, S. W. Parham and A. M. Crowell be, and they are hereby constituted, a board of trustees for the graded schools of said town. Immediately after the ratification of this act, the said board shall meet, and by lot, shall divide themselves into three (3) classes, two (2) shall hold office one (1) year, three (3) for two (2) years and two (2) for three (3) years.</p>
Proviso: How trustees here- after elected.	<p>Whenever the terms of office of any class shall expire as above provided, their successors shall be selected and appointed for a term of three (3) years, by a joint meeting of the board of town commissioners and the board of trustees, and whenever any vacancy occurs in said board, except by expiration of the terms of office, the vacancy for the unexpired term of the member or members, shall be filled by said board.</p>
Vacancies.	
Graded schools to be established.	<p>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 the said board shall use and appropriate the funds derived from the said special taxes, and all other sources, as shall be just to both white and colored races,</p>

giving each equal school facilities, due regard, however, being paid to the cost of keeping up and maintaining the graded schools of both races.

SEC. 8. That the board of trustees provided by this act, shall have entire and exclusive control of the public school interest and property in the town of Monroe; shall prescribe rules and regulations for their own government and for the government of the schools, not inconsistent with the provisions of this act; shall employ and fix the compensation of officers and teachers of the graded schools; shall make an accurate census of the school population of the town, as required by the general school law of the State, and do all other act that may be just and lawful to conduct and manage the public school interests in said town: *Provided*, all children resident in the town of Monroe between the ages of six (6) and twenty-one (21) years shall be admitted into said schools free of tuition charges, and those desiring admission into said schools as pay students, may be admitted upon such terms as the board of trustees may determine.

Trustees to have control of public school interests and property.
Prescribe rules and regulations.

Employ officers and teachers and fix compensation.
School census.

Proviso: Children resident in Monroe admitted free.

Pay students may be admitted.

SEC. 9. That all public school fund derived from the State and said county for the use and benefit of the public school districts of said town, shall be paid to the said town treasurer, by the treasurer of said county, for the use and benefit of said graded schools, and the property, both real and personal, of said public school district, shall become the property of said graded schools and shall be vested in the said graded school board, in trust for said schools, and the said board may sell the same, and apply the proceeds to said graded schools: *Provided*, that in the event of a discontinuance of said graded schools, the value of all of the property thus converted to graded school purposes, shall be returned to the credit of the public school districts from which it was obtained.

Public school fund apportioned to town used for graded schools.

Public school property vested in graded schools.

Proviso: If graded schools discontinued property to revert to public schools.

SEC. 10. That the board of trustees created under the provisions of this act, shall elect annually, at their regular meeting in the month of May, a superintendent of schools established under this act, who shall be 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, which certificates shall be valid for one year, from the date thereof, and shall act as secretary of said board of trustees and do and perform such other duties as may be prescribed by the board of trustees.

Trustees to elect superintendent of schools.
Superintendent to be principal of white graded school.

Superintendent to examine applicants for teachers' positions.
And act as secretary of trustees.

SEC. 11. That it shall be the duty of said board of trustees to make annually a full and complete report of the operations of

Trustees to report annually.

said graded schools, together with such reports as are required by the general law from school commissioners, to the mayor and commissioners of said town.

Trustees may require incidental fee from pupils.

SEC. 12. That the board of trustees may, if it is found necessary to maintain the schools, require from all pupils an incidental fee of two dollars and fifty cents, payable as the board may direct.

Trustees may fix curriculum and adopt text books.

Proviso: Course may be enlarged.

SEC. 13. That the said board are hereby given the power to fix a curriculum and adopt text books for a period not exceeding five years, nor less than three years: *Provided*, that classes may be arranged, and tuition charged for studies beyond the prescribed course.

Trustees incorporated.

Corporate name.
Corporate powers.

SEC. 14. The board of trustees hereby created, shall be a body corporate by the name and style of "The board of School Trustees of the town of Monroe, Union County," and by that name, shall be capable of receiving gifts and grants; of leasing property; 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 corporation hereby created; conveyances to said board shall be to them and their successors in office, and all deeds, mortgages or other agreements, affecting real estate, shall be deemed sufficiently executed, when signed by the chairman, one member of the board, and the secretary thereof, and the seal of the corporation affixed thereto. The corporation shall have a corporate seal, which it may break or alter at pleasure.

How conveyances made to trustees.

How deeds by trustees executed.

Corporate seal.

SEC. 15. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 16. This act shall be in force from and after its ratification.

Ratified the 25th day of February, A. D. 1897.

CHAPTER 148.

An act to authorize the treasurer of Haywood county to pay the claims of J. F. Abel and other school teachers in county of Haywood.

The General Assembly of North Carolina do enact:

B. F. Smathers
assignee of J. F.
Abel.

SECTION 1. That the treasurer of Haywood county be, and is hereby authorized to pay the following school claims, to-wit: To B. F. Smathers, assignee of J. F. Abel, the sum of sixty (\$60.00) dollars for a school voucher given to the said J. F. Abel

by the committee for services rendered as teacher in School District No. 11, in Haywood county, for the white race, in the year 1890, which claim has been assigned by the said J. F. Abel to the said B. F. Smathers. The same to be paid out of any unapportioned school funds now in the hands or which may hereafter come into the hands of said treasurer.

SEC. 2. To Winfield Ferguson, assignee of Ida L. McCracken, the sum of nineteen and $\frac{75}{100}$ (\$19.75) dollars, being a balance due on a school voucher given by the school committee to the said Ida L. McCracken for services rendered by her as a teacher for School District No. 35, in Haywood county, for the white race, for the year 1894, which school claim has been assigned by the said Ida L. McCracken to the said Winfield Ferguson. The same to be paid out of any funds now in the hands or which may hereafter come into the hands of said treasurer belonging to said School District No. 35.

Winfield Ferguson assignee of Ida L. McCracken.

SEC. 3. To C. F. Owen the sum of twenty-three and $\frac{50}{100}$ (\$23.50) dollars, being amount of school voucher given him by school committee for services rendered by him as teacher in School District No. 19, in Haywood county, for the white race, for the year 1896. The same to be paid out of any funds now in the hands or which may hereafter come into the hands of said treasurer belonging to said School District No. 19.

C. F. Owen.

SEC. 4. To R. G. Osborne, colored, the sum of forty and $\frac{30}{100}$ (\$40.30) dollars being amount of school voucher due him for services rendered by him as teacher for School District No. 1, for colored race, in Haywood county, for the year 1896. The same to be paid out of any funds now in the hands or which may hereafter come into the hands of said treasurer belonging to said colored School District No. 1.

R. G. Osborne.

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

Ratified the 25th day of February, A. D. 1897.

CHAPTER 149.

An act to authorize the board of commissioners of Cumberland county to fund their debt.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be lawful, and authority is hereby given, for the board of commissioners of Cumberland county to issue bonds in lieu and in payment of those bonds of said county which were given in payment of subscriptions to the capi-

Bonds to be issued in payment of former bonds.

Denominations of bonds.	tal stock of the Western Railroad Company, authorized by act of Assembly passed at the session one thousand eight hundred and seventy-four (1874) and one thousand eight hundred and seventy-five (1875), ratified the nineteenth (19) day of March, one thousand eight hundred and seventy-five (1875), subject to the provisions of section seven (7).
Payable in lawful money of the United States.	SEC. 2. That the bonds issued in pursuance of this act shall be in denominations of one hundred (\$100.00) dollars, five hundred (500.00) dollars and one thousand (1,000.00) dollars, payable in lawful money of the United States, as the said board of commissioners, in their discretion, may direct, bearing interest a
Interest, rate of and when payable.	rate not exceeding six (6) per centum per annum, for which interest warrants or coupons shall be attached, payable on the first (1st) day of June and December of each year, until said bonds become due, which shall be thirty years after the date of their issue; and said board of commissioners may issue said
Maturity of bonds.	bonds payable thirty years after the date of their issue, or if in their discretion they so elect, they may issue said bonds payable thirty (30) years after the date of their issue, reserving to themselves the privilege of calling in and paying said bonds or
Board of commissioners may retain privilege of paying bonds after ten years.	any part of them at any time after the expiration of ten (10) years from the date of their issue; and said bonds shall not begin to bear interest until the first (1st) day of June, one thousand eight hundred and ninety-seven (1897).
When interest to begin.	SEC. 3. That the said board, before said bonds are issued, shall cause them to be signed by their chairman and countersigned by their clerk, and have their corporate seal affixed, and it shall be the duty of the clerk of said board, to keep a complete and
How bonds signed and countersigned.	full register of all bonds so issued, giving the date of issue, the number and amount of the bonds, to whom issued, and what money or bonds were received in exchange therefor, and thereafter until said bonds shall be fully redeemed. And it shall be
Register of bonds to be kept.	the duty of the treasurer of Cumberland county to keep an account with each bond, showing what coupons and parts of the bonds are paid, until it shall be fully redeemed.
Treasurer to keep account with each bond.	SEC. 4. That said board of commissioners shall have power to issue said bonds for a like amount of the bonds issued under
Bonds may be issued for like amount of bonds issued for stock in Western Railroad Company.	authority of the said act of assembly at the session, one thousand eight hundred and seventy-four (1874) and one thousand eight hundred and seventy-five (1875), above referred to; or may sell said bonds, at not less than par, and with the proceeds of
Or bonds may be sold and proceeds used in payment of former bonds.	any bonds so sold, they shall pay of a like amount of said bonds issued under authority of said act of one thousand eight hundred and seventy-four (1874) and one thousand eight hundred and seventy-five (1875), and they shall not issue nor sell

more bonds under authority of this act than is necessary to take up or exchange at par the said outstanding bonds issued under authority of the said act of one thousand eight hundred and seventy-four (1874) and one thousand eight hundred and seventy-five (1875), and the interest coupons now due; nor shall they use the proceeds of any bond or bonds sold under authority of this act for any other purpose than to pay off and discharge the said outstanding bonds and interest coupons due.

No more bonds to be sold than necessary to pay former bonds.

Proceeds of bonds to be used only in payment of former bonds.

SEC. 5. That the said board of commissioners of Cumberland county shall annually levy and cause to be collected a special tax, sufficient to pay the interest falling due upon said bonds, and they shall also levy and cause to be collected a special tax sufficient to create a sinking fund, of not less than two thousand (\$2,000.00) dollars in each and every year, to pay off and discharge the principal of said debt, when the same shall become due; and they may invest the said sinking fund in United States securities or in the bonds named and authorized in this act.

Special taxes to be levied.

How sinking fund invested.

SEC. 6. That upon failure of said board of commissioners to levy and cause to be collected a special tax to pay the interest upon said bonds, and special tax to create a sinking fund, as hereinbefore provided, the superior court of Cumberland county may, at the suit of the bondholders, cause the same to be done, according to the true intent and meaning of this act; and it shall be a misdemeanor for the said board of commissioners, or any of them, or the sheriff, or the treasurer of Cumberland county, to cause or permit any part of said special taxes, as hereinbefore provided for, for paying interest on said bonds and for creating a sinking fund, to be diverted from their purpose or used for any other purpose than that for which they are levied and collected.

Upon failure of commissioners to act, taxes to be levied by superior court.

Misdemeanor to use special taxes for other purposes.

SEC. 7. That there shall be commissioners of the sinking fund, or funding committee, consisting of the following persons: R. P. Buxton, W. S. Hair, Walter L. Holt and Albert H. Slocum, and the same, as above named, are hereby constituted the committee of the sinking fund and funding committee, who shall elect one of their number chairman; and shall meet whenever it may be necessary at the call of the chairman. The said commissioners above shall have full control, supervision and authority over the exchange or funding of the debt of said county. They shall have said bonds printed, with coupons attached, and shall fund the said debt at the lowest rate of interest, and most favorable terms obtainable, and are charged with the responsibility of seeing that none of the new bonds are issued, except in exchange for those outstanding of the

Committee of sinking fund.

Chairman.
Meetings of Committee.
Powers and duties of commissioners of sinking fund.

Compensation.

No bond to be sold without concurrence of commissioners of sinking fund.

Bonds to be signed by chairman of commissioners of sinking fund and chairman and clerk of county commissioners.

Commissioners of sinking fund may act in conjunction with county commissioners.

No bond valid except issued and sold in compliance with this act.

Notice to holders of outstanding bonds.

Funding commissioners may employ agents or brokers.

And do all other things necessary to carry out this act.

same denomination; or so secured that no loss or damage can befall the taxpayers of said county. The said commissioners shall be paid, by the board of commissioners, a reasonable and just compensation for their services. No bond authorized to be issued under this act shall be put upon the market, transferred or sold, except with the concurrence of a majority of said commissioners of the sinking fund, and then only when signed by the chairman of said commissioners of the sinking fund, as well as by the chairman of the board of county commissioners and clerk.

The said chairman and commissioners of the sinking fund may act in conjunction or co-operation with the board of county commissioners as to the printing, cost and expenses of the same, and placing of said bonds; but no bond shall be valid in the hands of any person whatsoever, except when the same is issued and sold in compliance with the provisions of this act. That said funding commissioners shall cause notice, by mail and advertisement, to be made to holders of outstanding bonds to come forward and exchange or receive payment for the same, and if not done the holders or their assigns shall not collect or claim any interest or demand any, nor have any right of action after the time mentioned in said notices, either upon the bonds or interest coupons. The funding commissioners shall have power in their discretion to employ agents or brokers to place said bonds, and pay such reasonable charges and commissions as they may think proper and just, and do all such other things necessary and proper to carry out the provisions of this act, according to its spirit and meaning, and with due regard to economy, and at the least possible cost to the county, consistent with a safe and proper discharge of the duties required of them under this act.

SEC. 8. That this act shall be in force from and after its ratification.

Ratified the 25th day of February, A. D. 1897.

CHAPTER 150.

An act to amend an act entitled an act to incorporate the Atlantic and North Carolina Railroad Company and the North Carolina and Western Railroad Company.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter 232 of the laws of 1854 and 1855 be amended as follows, strike out section 4 of said chapter and

State proxy to vote on all questions except

insert in lieu thereof the following: "In all general or special meetings of the stockholders the State shall be represented by an agent or proxy appointed by the Governor who shall be entitled to vote the stock of the State upon all questions arising in said meetings except in the election of directors by the individual stockholders, and the presence of the State proxy shall be necessary to constitute a quorum in said meetings." election of directors by individual stockholders. State proxy necessary to quorum.

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 25th day of February, A. D. 1897.

CHAPTER 151.

An act to revise, amend and consolidate the acts concerning cotton weighing and the appointment of cotton weighers for the city of Raleigh, North Carolina.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Wake county shall appoint at their meeting in March of each year four or more competent persons whose duty it shall be, when required to do so, to weigh all baled cotton offered for sale in the city of Raleigh, who shall hold said appointment for one year from the first Monday of March in each year and until their successors are duly elected and qualified. Four weighers for Raleigh to be appointed by county commissioners. Term of office.

SEC. 2. That each person so appointed as provided in section one of this act shall give bond in the sum of five hundred dollars, conditioned for the faithful discharge of the duties of cotton weighers for the city of Raleigh, to be given in same manner as is now required of sheriffs, register of deeds, county treasurer, and other public officers, to be approved by the board of commissioners in like manner as the bonds given by the county officers, and the board of commissioners shall have all the power concerning the bonds of cotton weighers as they have over the bonds of the county officers; said bonds may be put in suit on this relation of any person injured by the neglect or misconduct of the principal therein. Weighers to give bond. How bonds put in suit.

SEC. 3. It shall be the duty of such weighers to keep a record in a book for that purpose, a correct entry of the weights of all cotton weighed by him; and to make just and fair deductions Weighers to keep record.

for wet cotton, dirt and excess of tare; and if any person interested shall be dissatisfied with the deduction, he shall call in another weigher, and in the event of their disagreement, they shall call in a third party, who shall not be a weigher, who shall be unobjectionable to either the buyer or seller, and the decision of these, or any two of them, shall be final.

Office and office hours.

SEC. 4. Every such weigher shall keep an office at some place in the city as shall be designated by the board of commissioners, which office shall be kept open from sunrise to sunset of each day from September first to April first of each year, and from seven o'clock A. M. to four o'clock P. M. from April first to September first of each year, Sundays excepted.

County commissioners may remove weighers for cause.

SEC. 5. Upon complaint made and proper cause shown, and affecting their duties as cotton weighers, and after due notice, the board of commissioners shall have power to remove said weighers at any time and declare their place vacant, and file such vacancy for the unexpired time.

Charges for weighing.

SEC. 6. The charges for weighing each bale of cotton or package shall be seven (7) cents, to be paid by the seller.

Weighers to keep standard scales.

SEC. 7. Every such weigher shall equip himself with correct standard scales, to be attested and stamped by the standard keeper for Wake county, at least once in every two months, and on failure to do so, he shall forfeit one hundred dollars for every day he so refuses or neglects said standard tests, to be recovered by action of any buyer or seller of cotton in the city of Raleigh upon his official bond.

Penalty.

Misdemeanor.

SEC. 8. Any person refusing to comply with the requirements of this act shall be guilty of a misdemeanor.

Commissioners may appoint weighers for county.

SEC. 9. The commissioners of Wake county shall have power and authority to appoint at any time cotton weighers for the county other than the city of Raleigh, and all the provisions herein contained shall apply, govern and direct such appointments.

Repealing clause.

SEC. 10. All acts and parts of acts and amendments concerning cotton weighers and the appointment of cotton weighers for the city of Raleigh heretofore enacted are hereby repealed and amended, but this repeal shall not affect in any manner the rights of any person or persons which have accrued under said act.

Repeal not to affect rights already accrued.

SEC. 11. That this act shall be in force from its ratification.

Ratified the 26th day of February, A. D. 1897.

CHAPTER 152.

An act for the deaf and dumb and blind.

WHEREAS, The chapel of the North Carolina Institution for the education of the deaf and dumb and the blind, has been pronounced unsafe by competent judges ;

Preamble.

WHEREAS, the only sleeping apartments for the white blind boys are in this unsafe building, or over the kitchen, both of which places have been pronounced unhealthful and dangerous by medical experts ;

Preamble.

WHEREAS, the sleeping apartments of the small white blind girls are exposed to great danger from fire, owing to the inflammable character of the material used in the industrial departments, which are located immediately under these apartments, and the work in the industrial departments is seriously handicapped, owing to their location ; and

Preamble.

WHEREAS, The State board of health has practically condemned the present bathing, lavatory and water closet arrangements for the boys in said institution ; therefore,

Preamble.

The General Assembly of North Carolina do enact :

SECTION 1. That the sum of thirty four thousand and five hundred dollars (\$34,500.00) be and the same is hereby appropriated for the purpose of providing a dormitory for boys at the white department of said institution, an assembly room, bathing, lavatory and water closet conveniences ; additional space for dining room, a heating plant and an industrial building, and for the necessary machinery, furniture and appliances to render the industrial department efficient : *Provided*, that fifteen thousand dollars (\$15,000.00) of said thirty four thousand five hundred dollars (\$34,500.00) be appropriated for the year 1897, and the balance of said thirty four thousand five hundred dollars (\$34,500.00) be appropriated for the year eighteen hundred and ninety eight (1898).

Appropriation for building, heating plant and machinery.

SEC. 2. That the State treasurer is hereby authorized and empowered to pay to the board of trustees of the said institution the sum mentioned in Section 1 (one) of this act, out of any funds not otherwise appropriated.

Proviso : When appropriation used.

How appropriation paid.

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

Ratified the 26th day of February, A. D. 1897.

CHAPTER 153.

An act to amend rule 13, section 1281 of The Code so as to allow the grand-children of certain ex-slaves to inherit and become distributees of their estates.

The General Assembly of North Carolina do enact :

Where children of ex-slaves dead their issue to represent them.

Proviso : To apply to estate of deceased children.

SECTION 1. That section twelve hundred and eighty-one (1281) of *The Code*, rule thirteen (13) be, and the same is hereby, amended by adding at the end of said rule the following words, to wit : *Provided*, that if such children be dead their issue shall represent them with all the rights of heirs-at-law and next of kin provided by this section for their deceased parents or either of them if they had been living : *Provided, further*, that the provision of this act shall apply to the estates of such children as are now deceased or otherwise.

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

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

Ratified the 26th day of February, A. D. 1897.

CHAPTER 154.

An act to prohibit hunting on any lands in Yadkin county, except by consent of owner.

The General Assembly of North Carolina do enact :

Unlawful to hunt on lands without consent of owner.

Misdemeanor.

Penalty.

SECTION 1. That it shall be unlawful for any person to hunt upon the lands of another in Yadkin county with or without gun or dogs except by written consent of the owner.

SEC. 2. That any person so offending shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than five nor more than ten dollars for each and every offense.

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

Ratified the 26th day of February, A. D. 1897.

CHAPTER 155.

An act to amend section six (6), chapter 254, public laws of 1889, relative to the public schools in the town of Littleton.

The General Assembly of North Carolina do enact :

SECTION 1. That section six (6), chapter two hundred and fifty-four (254), entitled an act to establish public schools for the town of Littleton, with a special tax supplemental thereto, be and the same is hereby repealed, and the following inserted in lieu thereof of "section six."

Trustees
appointed and
given control of
schools.

That Howard Browning, W. A. Johnston, J. E. McCraw, J. J. Williams and H. J. Cordle be and the same are hereby constituted a board of trustees for the white schools; and W. F. Young, George W. Downtin, W. H. Shaw, Joe Hall and James H. Cousins be and the same are hereby constituted a board of trustees for the colored school. Said boards of trustees shall have exclusive control of their respective schools.

That the respective boards shall have power to fill all vacancies that may occur, to employ teachers and do all such acts as may be necessary to carry on said schools, and shall have no compensation for their services.

Powers of trustees.
Not to receive
pay for services.

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

Ratified the 26th day of February, A. D. 1897.

CHAPTER 156.

An act to appoint trustees for Presbyterian church, Louisville, North Carolina.

THAT, WHEREAS, the title to a certain lot in the town of Louisville, situated on the northeast corner of Main and Middle streets, whereon is located a Presbyterian church, was formerly vested in Jos. J. Davis, as trustee for said church; and,

Preamble.

WHEREAS, the said Jos. J. Davis is now dead, and there was no provision for a successor, and it is necessary to have trustees therefor; now, therefore,

The General Assembly of North Carolina do enact :

SECTION 1. That J. J. Allen, W. G. Rackley, W. P. Webb, W. T. Hughes and J. A. Turner and their successors be and they

Trustees
appointed and
vested with own-
ership.

are hereby vested with the ownership of said lot as trustees of said Presbyterian church, with the same power to hold or dispose of same as was vested in the trustees in the original deed to said lot.

Vacancies.

SEC. 2. That in case of the death, refusal to act or removal of either of said trustees the remaining trustees shall have power and authority to appoint a successor to said vacancy.

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

Ratified the 26th day of February, A. D. 1897.

CHAPTER 157.

An act to submit to the qualified voters of Chatham county the question of working the public roads of said county by taxation.

The General Assembly of North Carolina do enact :

Election on road tax may be held.

If majority of votes for road tax present system to continue.

If majority for no road tax, roads to be worked under general law.

If road work discontinued convicts to be sent to county jail.

Judge presiding at next regular term of court for Chatham county or county in which conviction was had, to direct whether convict shall serve remainder of sentence in penitentiary or common jail.

SECTION 1. That the board of county commissioners of Chatham county in their discretion may submit to the qualified voters of Chatham county at such time as they may designate, after having given thirty days notice in some newspaper published in the said county, the question of road tax or no road tax, and if a majority of votes cast shall be for road tax, then the system of working the roads in said county now in operation, shall continue, and be in full force, but if a majority of said voters shall be for no road tax, then the system of working the roads under the provisions of the acts of 1889, chapter 361, shall cease and be at an end, and the public roads of the said county of Chatham shall be worked under the general law as prescribed in *The Code*. And all convicts now engaged in working such roads shall be transported to the common jail of the said county, except as herein otherwise provided, where they shall be received by the keeper of said jail, and where they shall be kept confined until the next regular term of the superior court, for said county, or of the county in which they were convicted, at which term the judge presiding shall proceed to inquire into the nature of the offense for which such prisoner was convicted, and shall then and there adjudge whether such prisoner should complete his original sentence in the state penitentiary or in the common jail of the county; and accordingly as he may adjudge, the said prisoner shall be

transported to the state penitentiary, or remanded to the common jail, to complete the original sentence. And this, notwithstanding any parts of the judgments of any court in sentencing such convicts prescribing that any such convicts shall be employed at work upon the public roads of said county. And the authority of the state penitentiary and the keeper of the common jail are authorized and directed to receive all such convicts in like manner as if they had been originally sentenced to the said state penitentiary or common jail.

Authorities of penitentiary or county jail authorized to receive convicts.

SEC. 2. That all convicts sentenced to work upon the public roads of Chatham county by any court other than the superior courts of Chatham county instead of being transported to the common jail of said county shall be transported to the common jail of the county in which they were tried.

Convicts to be returned to jail of county where tried.

SEC. 3. That for the purpose of holding the election provided for in section 1 this act, the clerk of the superior court of Chatham county shall, upon being duly notified that the county commissioners of said county have called the election herein provided for, forthwith appoint the poll holders and registrars of election who shall conduct the said election under the regulations and in the same manner that is now provided for holding general elections.

Clerk of superior court to appoint registrars and judges of election.

SEC. 4. That the commissioners of Chatham county are hereby authorized to incur all such necessary expenses as may be incurred in carrying into effect this act.

Election to be held under general law.

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

County commissioners may incur necessary expense.

Ratified the 26th day of February, A. D. 1897.

CHAPTER 158.

An act to incorporate the Stone Mountain Railway Company.

The General Assembly of North Carolina do enact:

SECTION 1. That H. L. Smith, D. McCormick, Tazewell Taylor, of Norfolk, Va., A. M. Clegg, of Washington, D. C., W. M. Absher, of North Wilkesboro, N. C., J. S. Holbrook, of Trap-hill, N. C., and G. W. Hinshaw, of Winston, N. C., and such persons as may be associated with them, their successors and assigns, be, and they are hereby, created a body politic and corporate, under the name and style of "Stone Mountain Railway Company," which shall have perpetual succession, and shall have the right to sue and be sued, plead and be pleaded

Corporators.

Corporate name,

Corporate powers.	<p>in the courts of this State or United States, to contract and be contracted with ; shall have the power to adopt a common seal, and to change same at will ; and shall be capable of taking, by purchase, gift or devise, or in any other way, real and personal estate, and of holding, leasing, conveying, or in any other manner dealing with the same for any of the purposes hereinafter enumerated ; and the said corporation shall have and enjoy all rights and immunities which corporate bodies may lawfully exercise, and may make all necessary by-laws and regulations for its government, not inconsistent with the laws of the United States, or of the State of North Carolina.</p>
Capital stock.	<p>SEC. 2. The capital stock of said corporation shall be two hundred thousand (\$200,000) dollars in shares of one hundred (\$100) dollars each, with the power to said company to increase the capital stock at any time, not exceeding fifteen thousand (\$15,000) dollars per mile for every mile of road completed ; the said stock may be created by subscriptions on the part of individuals, counties, townships, cities, towns, or other corporations, and said subscriptions may be paid in money, labor, land, materials, stocks, bonds or other securities, or in any other way that may be agreed upon between the company and the subscribers ; and the company may receive donations of any kind of property or of labor.</p>
Subscriptions.	
Books of subscription to be opened.	<p>SEC. 3. That said incorporators shall have the power to open books of subscription, in person, or by agent duly appointed by a majority of them, at such place, or places, as they may determine, and to keep the same open for such time and under such rules and regulations as may be deemed necessary or expedient ; that whenever the sum of ten thousand (\$10,000) dollars shall have been subscribed to the capital stock of said company, the corporators named in section one (1) of this act, may, when they deem proper, after ten days' notice to the subscribers, call together the subscribers of said shares of stock, at any place in or out of the State ; and said subscribers shall then complete the organization of said company by electing a board of directors and such officers as they may see fit ; and at such meeting, and all other meetings of the stockholders of said company, each share of stock shall be entitled to one vote, which may be cast by the owner of said share, or by his proxy ; and the said directors shall thereupon proceed to elect one of their number president, and to elect such other officers as the by-laws of said corporation may prescribe ; and may do and perform all other acts necessary to complete the organization of said company, and to carry into effect the object of this charter, in accordance with the direction of the stockholders.</p>
Organization.	
Board of directors. Officers.	

SEC. 4. That said company shall have, and it is hereby given, the right and power to locate, construct, equip, maintain and operate a railroad, or any part thereof, with one or more tracts, standard gauge or otherwise, from some point on the North Western North Carolina Railroad, between the stations Siloam and North Wilkesboro, through the counties of Surry, Wilkes, Alleghany, Ashe, Watauga or any one or more of said counties to some point of the North Carolina and Tennessee line or North Carolina and Virginia line, by such route as it may select; and it may also construct, maintain and operate such lateral and branch lines as may be necessary or advantageous to the extension, completion and successful operation of said railroad, and for these purposes it shall have the power to construct dams, culverts, trestles and bridges over or across streams, valleys and depressions; and it shall have the right to cross any navigable stream or canal on its route: *Provided*, a draw, sufficient for the navigation of such stream or canal, be placed in its bridges over the same; it shall have the right to cross at grade, or over or under, to intersect, join or unite its railway with any other railway, now constructed or that may hereafter be constructed in this State, upon the grounds of such other companies, at any point in its route, and to build the necessary turnouts, sidings, switches and other conventions, in furtherance of the object of its construction; and may, in making any intersection or connection with another road, have all the rights, powers and privileges conferred upon railroads by chapter forty nine, volume one of *The Code of North Carolina*, and it may operate said railroad and branches by steam, or any other power; the said company may own and operate, in connection with the said railroad or any of its branches, ferries and ferry boats, steamboats, and other means of transportation by land or water, for passengers and freights. And shall also have full power to locate, construct, equip and operate any telephone lines or telegraph lines through any of the counties herein mentioned, with the full power as given herein for the location and operation of a railroad.

Corporate powers.

Location.

Corporate powers.

Proviso.

To cross other roads.

May operate ferry and steam-boats.

May operate telegraph and telephone lines.

SEC. 5. That it shall be lawful for any officer, agent, surveyor, engineer or employee of said company to enter at all times upon all lands or waters for the purpose of exploring, levelling or doing anything necessary or proper to be done for laying out the said railroad and locating the same, and for the purpose of erecting all necessary works and buildings required in this behalf, paying for all injury to private property, whenever any land is required in the construction of its road, or any of its

Power to condemn lands.

Procedure.

branch lines, for rights of way, warehouses, depots, water stations, turnouts, work shops, or for other buildings or purposes, and when the company and owner of the land shall be unable to agree on the value thereof, the company may, in the prosecution of its work, enter upon said land, and either party may have the value of the land, thus occupied or needed, ascertained and determined in the following manner: application may be made by either party, in writing, to the clerk of the superior court in the county where the land lies, setting forth the location and a minute description of the same, and the clerk shall thereupon issue his order, in writing, to the sheriff of said county, commanding him to summon three disinterested freeholders of the said county, who after being duly sworn, shall meet on the premises at some agreed time, within three days from the time of being summoned, and assess the damages to the owner of said land, and shall, in estimating said damages, take into consideration any benefits to the owner from the construction of the road; said freeholders shall make report in writing to the said clerk in ten days from the time of meeting, and said report shall be recorded by the clerk, and he shall file all papers in the cause in his office. Upon the payment to the owner, or to the clerk for him, of the amount so assessed, the title to the land described in the petition shall vest in said company: *Provided*, that either party may have the right to appeal from such findings of the freeholders to the superior court of said county, which appeal shall be governed by the law relating to appeals from the clerk. The way so condemned shall not exceed one hundred feet in width for the right of way, except in cases of deep cuts or high embankments, when it may exceed that width, and for other purposes said company may condemn so much land as may be actually necessary therefor. That said proceeding to condemn land shall be governed by the rules and regulations governing special proceedings before the clerk of the superior court as provided in *The Code*.

Proviso.
Right of appeal.

To issue bonds.

May make
mortgage.

SEC. 6. That the said company shall have power to issue, to negotiate and sell, its bonds, either coupon or registered, for the construction or management of its road or branches, to any amount that may be necessary, not to exceed fifteen thousand (\$15,000) dollars per mile for its road-bed, and to secure the payment of both principal and interest of the same by one or more mortgages or deeds of trust, conveying its franchise, road bed, right of way, and any or all other property of every kind owned by said company on such terms and conditions as may be deemed proper.

SEC. 7. That said company shall have the exclusive right to carry and transport passengers and freight over and along said road and its branches, and upon all ferry boats, steamers, vessels and boats running in connection with said road and its branches at such rates as said company shall prescribe, subject to said general laws regulating the same as the General Assembly may, from time to time, establish, and it shall have the right to transport all manner of goods, as expressed, and to make and collect all charges for the same; and to transport the United States mail, and to make and collect all charges for the same. The said company may purchase or hold stock in any other railroad or transportation company, and may buy or lease the same, or may connect with and contract with the same for the transportation of passengers and freight of all kinds over the lines of such companies, and it may use and operate any part of its road or branches before the whole may be completed, and may collect fares and charges for transportation over the said part.

Exclusive right of transportation over road and branches.

Rates to be fixed subject to general laws.

May hold stock in other railroad or transportation companies.

May buy or lease or connect with other companies.

May use part of road before completion of whole road.

SEC. 8. That the said company may acquire, by purchase or lease, the railroad, franchises and property of any other railroad now constructed, or that may hereafter be constructed, in this State or elsewhere.

May purchase any other railroad.

In case of purchase, the railroad, franchises and property so purchased shall be held, owned and enjoyed by this company as though said purchased roads had been originally constructed under this charter, and it shall be entitled to all the property, franchises, privileges and immunities belonging to or appertaining to the road so purchased; or the company created by this act may consolidate its franchise and property with any road or transportation line, under such name as shall be agreed upon; or the company created under this act may sell, assign or lease its property and franchises, or any part thereof, to any other such road or transportation line, and the road or transportation line so purchasing this road shall hold, own and enjoy all the property and franchises so purchased as though they had been originally held and constructed by the railroad so purchasing; and the road so purchasing shall be entitled to all the property, franchises and privileges and immunities belonging to or pertaining to the road created by this act.

May consolidate with any other company.

May sell or lease its property or franchise.

Any of the powers and transactions conferred and authorized by this section may be exercised and effected by the directors of the companies concerned, in such manner and on such terms as the stockholders of each company may determine.

Directors may exercise corporate powers.

SEC. 9. That said company is hereby fully empowered to take, by purchase or otherwise, and to hold in fee-simple, or any

May hold land.

Value of land held not to exceed not \$1,000,000. Proviso.

Further proviso.

May subscribe to capital stock of other corporations.

Further corporate powers.

May work convicts not to exceed 250.

Subscriptions by counties, cities towns or townships.

Election to be ordered on petition of one-fourth of freeholders.

other manner, any number of acres of land, besides what may be necessary for the right of way, depots, warehouses, shops and other necessary buildings, not exceeding in value at any time the sum of one million (\$1,000,000) dollars: *Provided*, that the value of the lands is to be fixed by the price paid for the same, and increase in value by improvements made by said corporation or otherwise, not to be considered in ascertaining the value of the lands: *Provided, further*, that this act shall not be construed to have any effect upon the valuation of any said lands for taxation.

SEC. 10. That said company may subscribe to the capital stock of any other corporation now in existence or hereafter projected, in this State or elsewhere, and hold shares in same; it may buy, sell, own, hold and deal in real estate, standing trees, lumber, lumbermen's materials and supplies, and in all other goods, wares and merchandise of any and all kinds; it may build, own, equip and operate saw-mills, planing-mills, stone-mills, shingle-mills, dry-kilns, hotels, boarding-houses and all other buildings, mills, machinery and apparatus necessary and convenient for the conduct of any part of its business; it may also purchase, own, mine for and operate natural gas, oil, coal, iron and other minerals or ores.

SEC. 11. That the board of directors of the penitentiary may, on application of the president of said company, approved by the Governor, turn over to said company convicts, not otherwise appropriated, not to exceed two hundred and fifty in number, to be worked in the construction of said road, or any of its branches, or in its quarries or mines, at such price as may be agreed upon, the said convicts to be guarded and superintended by the authorities of the penitentiary, and to be hired to said company, as provided by section thirty-four hundred and thirty-three (3433) of *The Code* of North Carolina and amendments thereto.

SEC. 12. That any county, township, city or town, along or near the line of the said railroad or any of its branches, or at any terminal point of said road or any of its branches, may subscribe to the capital stock of said company in the following manner: Upon the presentation, in writing, signed by at least one fourth of the freeholders in said county, township, city or town to the board of commissioners of said county, or to the proper authorities of said city or town, requesting them to submit to the qualified voters of the county, township, city or town, where said petitioners may reside, a proposition to subscribe a definite sum, named in said petition, to the capital stock of said company, the board of commissioners of said

county, or proper authorities of said city or town, shall, within thirty days, order an election to be held in said county, township, city or town, and submit to the qualified voters therein the question of subscribing to the capital stock of said company the amount specified in said petition; at which election all those qualified to vote who are in favor of such subscription shall vote a ballot on which shall be written or printed the words "for subscription," and those opposed to such subscription shall vote a ballot on which shall be written or printed the words "against subscription," and the election for this purpose shall be conducted in the same manner and subject to the same rules and regulations as are provided for the election of county officers by the general election laws of the State of North Carolina; that a new registration may be ordered or the registration books revised in any such election whenever the authorities ordering the same may deem it proper or whenever the petition asking for said election shall so request; such election shall be held after thirty days' notice thereof shall have been given, specifying the amount of proposed subscription, posted at the court house door of said county, city or town, and at every polling place of said county, township, town or city, and the returns thereof shall be made to the board of commissioners of said county, or proper authorities of said city or town.

Ballots.

Election, how conducted.

New registration may be ordered, or registration books revised.

Thirty days notice.

SEC. 13. That if a majority of the qualified voters vote for subscription, then the board of commissioners of said county, or proper authorities of said city or town, shall immediately make such subscription, and may pay for the same in cash, or may issue coupon bonds to the amount of said subscription in order to pay the same, and the bonds shall, upon their face, indicate on account of what county, or township, or city or town they are issued. They shall be in denominations of not less than one hundred (\$100) dollars, and not more than one thousand (\$1,000) each, and shall run for twenty years and bear interest at the rate of six per cent. per annum, payable semi-annually, at a suitable depository to be designated by such commissioners or municipal authorities: *Provided*, that any county, township, city or town or territory, which may subscribe to the capital stock aforesaid, shall in its integrity always be liable to the payment of the obligation it assumes, and in the event of a change in the boundaries thereof, the original territory comprising the county, township, city or town, which first incurred the liability, shall remain always liable and subject to the payment of the obligation it incurred until the same shall be duly satisfied.

If affirmative vote, authorities to make subscription.

May issue bonds.

Amount and term of bonds.

Proviso

Special tax.

SEC. 14. That the county authorities in any county voting for subscription, or in which there is a township voting for a subscription, or the proper authorities in a city or town voting for subscription, who are legally empowered to levy taxes in order to provide for the payment of the bonds authorized to be issued by the preceding section, shall compute and levy each year, at the time of levying other taxes, a sufficient tax upon the property and polls in such county, township, city or town to regulate and promptly pay the interest on the bonds issued on account of such county, township, city or town; and at the same time the said authorities shall compute and levy a tax on the property and polls of such county, township, city or town, equal to one-twentieth part of the bonds so issued, which tax shall constitute a sinking fund to provide for the payment of said bonds at maturity. The taxes levied as above shall be annually collected as other taxes are collected, and shall be paid by the collecting officer of such county, city or town, to the treasurer thereof, or to such other officer as may be designated by the proper authorities, which officer shall give a good and sufficient bond for the safe keeping and proper disbursement of said taxes; and the taxes levied and collected for these purposes shall be kept sacred and distinct from each other, and from all other taxes, and each shall be used for the purpose for which it was levied and collected, and for no other. If possible, the sinking fund thus raised shall be annually applied to the purchase of the identical bonds to pay the principal for which it was levied and collected; but if it is impossible to annually invest said sinking fund in the purchase of said bonds for the payment of which it was created, the same shall be invested as may be directed by the board of commissioners of said county, or by the proper authorities of such city or town issuing said bonds. The taxes for the sinking fund to pay the principal of said bonds shall be levied no longer than is necessary to create a fund sufficient to pay the principal of said bonds.

Officer holding taxes to give bond.

Taxes to pay bonds to be kept distinct.

Sinking fund to be applied to purchase of bonds.

Taxes to cease, when.

Subscribing authorities may transfer stock.

SEC. 15. That the board of commissioners of any county, or proper authorities of any city or town issuing bonds under this act, are authorized and empowered to transfer the stock subscribed by their county, or township, or municipality, to the "Stone Mountain Railway Company," or to any corporation or person for the completion of said road.

General meetings.

SEC. 16. That the general meetings of the stockholders of said company may be held annually, and at their first general meeting, and at each annual meeting thereafter, shall elect a board of directors of not less than five nor more than eleven members of said company, who shall hold office for one year,

Stockholders to elect directors.

and until their successors are chosen and qualified. At the first meeting after their election, said board of directors shall elect one of their members president, and one vice-president, and shall also elect a secretary and treasurer, and such other officers as they may wish, all of whom shall hold office for one year, and until their successors are chosen and qualified. At all meetings of stockholders a majority of the stock subscribed shall constitute a quorum, and said stock may be represented by person or by proxy, verified in such manner as shall be prescribed by the by-laws of the company. The directors may fill any vacancy that may occur in their board or in any office, except that the vice-president shall fill any vacancy in the office of president, and shall be president until a president is elected by the stockholders; by-laws for the company may be passed at the first general meeting of stockholders, or as early thereafter as may be practicable; but any by-laws may be changed, amended or repealed, and additional by-laws made at any meeting after the first. The directors may hold meetings outside of the State when they deem it more convenient.

Directors to elect other officers.

Quorum.

Vacancies, how filled.

By-laws.

Directors may meet outside of State.

SEC. 17. That the stockholders in said company, whether private citizens, or other corporation, public, private or municipal, shall not be individually liable for the debts or liabilities of the company.

Stockholders not individually liable.

SEC. 18. That this act shall be in force from and after its ratification.

Ratified the 25th day of February, A. D. 1897.

CHAPTER 159.

An act to amend chapter 24 of the acts of 1889.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter 24 of the acts of the General Assembly of the session of 1889 be amended by striking out of the third line of section one of said act the words "Beaver Dam" and inserting in lieu thereof the word "Marshville."

Prohibition to apply to Marshville instead of Beaver Dam.

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

Ratified the 26th day of February, A. D. 1897.

CHAPTER 160.

An act for the relief of Miss Maud S. Thorn, a school teacher in District Number 2, Polk county, North Carolina.*The General Assembly of North Carolina do enact:*

Allowed \$40 for
services as
school teacher.

SECTION 1. That Miss Maud S. Thorn, a public school teacher in District Number 2, Polk county, North Carolina, be allowed to draw out of the public funds due said district forty dollars for school taught in said district in 1895.

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

Ratified the 26th day of February, A. D. 1897.

CHAPTER 161.

An act to prohibit the sale of spirituous liquors or other intoxicating drinks within three miles of Parkersburg Academy in Sampson county.*The General Assembly of North Carolina do enact:*

Unlawful to sell
or otherwise dis-
pose of any
intoxicating
drinks.

SECTION 1. That it shall be unlawful for any person or persons to sell or otherwise dispose of brandy, whiskey, ale, beer, wine or cider, or any spirituous or malt liquors or intoxicating drinks of any kind within three miles of Parkersburg Academy in Sampson county.

Misdemeanor.

SEC. 2. That any person violating the provisions of this act shall on conviction thereof be deemed guilty of a misdemeanor and shall be fined not less than five nor more than ten dollars or be imprisoned not less than ten nor more than thirty days for each and every violation of this act.

Penalty.

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

Sec. 3111 of Code
repealed as to
this act.

SEC. 4. That section 3111 of *The Code* is hereby repealed only so far as this act is concerned.

Ratified the 26th day of February, A. D. 1897.

CHAPTER 162.

An act to amend chapter 427 of the public laws of 1895.

The General Assembly of North Carolina do enact :

SECTION 1. That section (10) ten of chapter four hundred and twenty-seven (427) of the public laws of 1895 be so amended as to read as follows: "That said board of county commissioners shall appoint, on the first Monday in April of each year, a township supervisor in each township, to serve under the direction of the board of county commissioners, and the said supervisor shall be allowed out of the county road fund such compensation *per diem* as the said commissioners may deem reasonable and just for the days actually engaged in the necessary service of supervision of the roads in their respective townships. It shall be the duty of the said township supervisors to certify to the board of county commissioners the amount of work done in their respective townships by such persons as may labor on the public roads, and the amount due each of said persons, in accordance with the rules and regulations prescribed by the board of county commissioners. That this act shall apply only to the counties of Jones and Hyde.

Commissioners
of Jones and
Hyde to appoint
road supervisors.

Compensation of
supervisors.

Duty of
supervisors.

To apply only to
Jones and Hyde.

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

Ratified the 26th day of February, A. D. 1897.

CHAPTER 163.

An act to regulate fire insurance companies' rates in North Carolina.

The General Assembly of North Carolina do enact :

That all fire companies in North Carolina and doing business in this State shall not charge a higher rate on farm property than is charged in the State of Virginia. That any company violating this act shall be fined one hundred dollars, and taxed with the cost.

Rates on farm
property not to
exceed rates
charged in
Virginia.

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

Ratified the 29th day of March, A. D. 1897.

CHAPTER 164.

An act to repeal chapter thirty-seven of the public laws of eighteen hundred and sixty-eight and eighteen hundred and sixty-nine (1868-69), chapter two hundred and nine of the public laws of eighteen hundred and seventy-one and eighteen hundred and seventy-two (1871-72), and chapter one hundred and sixty-three of the private laws of eighteen hundred and ninety-three (1893).

The General Assembly of North Carolina do enact:

Charter of
Jamesville and
Washington
Railroad and
Lumber Com-
pany repealed.

SECTION 1. That chapter thirty-seven (37) of the public laws of the session of eighteen hundred and sixty-eight and eighteen hundred and sixty-nine (1868-69), chapter two hundred and nine (209) of the public laws of the session of eighteen hundred and seventy-one and eighteen hundred and seventy-two (1871-72), and chapter one hundred and sixty-three (163) of the private laws of the session of eighteen hundred and ninety-three (1893) be and they are hereby repealed.

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

Ratified the 27th day of February, A. D. 1897.

CHAPTER 165.

An act to provide for additional improvements, equipment, repairs and support of The Normal and Industrial School.

The General Assembly of North Carolina do enact:

Twelve thousand
five hundred dol-
lars annually
appropriated.

SECTION 1. The sum of twelve thousand five hundred dollars shall be and the same is hereby appropriated annually for additional improvements, equipment, repairs and support of The Normal and Industrial School, and the said annual appropriation shall be paid by the State treasurer out of any funds in the treasury not already appropriated.

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

Ratified the 27th day of February, A. D. 1897.

CHAPTER 166.

An act to prohibit the working of females on the public roads or streets in Vance county and in the town of Henderson, N. C.

The General Assembly of North Carolina do enact :

SECTION 1. That no female shall be worked on the public roads or streets, in the county of Vance, nor in the town of Henderson.

No female to be worked on streets or roads in Vance county or town of Henderson.

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

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

Ratified the 27th day of February, A. D. 1897.

CHAPTER 167.

An act to increase revenues and to regulate insurance.

The General Assembly of North Carolina do enact :

SECTION 1. That fire insurance companies not incorporated by the laws of the State of North Carolina, but legally authorized to do business in this State through regularly commissioned and licensed agents located in this State, shall not make contracts of fire insurance on property herein, save through agents of such companies as are regularly commissioned and licensed to write policies of fire insurance in this State: *Provided, however,* that this act shall not apply to property of railroad companies and other common carriers.

Foreign fire companies to write insurance in this State only through licensed agents.

SEC. 2. That for the purpose of carrying out the foregoing section it shall be unlawful for any agent, commissioned or otherwise, of said companies to sign any blank contract or policy of fire insurance, and upon conviction thereof shall be fined for each offense not less than one hundred (\$100.00) dollars nor more than two hundred (\$200.00) dollars, one-half to the informant and one-half to the benefit and use of the State.

Proviso : Except property of common carriers.

Unlawful for agent to sign blank contract or policy.

Penalty.

SEC. 3. That before issuing certificate of license to any fire insurance company to transact the business of fire insurance in this State, the Secretary of State shall require in any case, in addition to requirements already provided for by law, that each and every such fire insurance company shall file with him the affidavit of its president or other chief officer that it has not violated any of the provisions of this act for the space of twelve months last past, and that they accept the terms and obligations of this act as a part of the consideration of their license.

Secretary of State to require affidavit and acceptance from companies seeking license.

On complaint filed Secretary of State to make investigation.

Proviso :
Complainant to give bond for costs.

If company acquitted bond responsible for expenses.

Company found guilty shall pay expense of investigation.

License of company violating act or refusing to submit to examination, revoked.

How expenses of examination collected from company.

Unlawful to adjust loss for a company not licensed in this State.

Or on a contract not authorized by the laws of this State.
Misdemeanor.
Penalty.

Act authorizing contracts outside State repealed.

SEC. 4. That complaint being filed by any citizen of this State, that any company authorized to do business in this State has violated any of the provisions of this act, the Secretary of State shall diligently investigate the matter, and if necessary, examine by himself or his accredited representative at the head office located in the United States of America, and such other offices or agents of such companies as may be deemed proper, also all books, records and papers of the same, and also the officers thereof under oath as to such alleged violation or violations: *Provided*, that before making examination the Secretary of State shall require the party or parties making complaint to file with him a good and sufficient bond to secure any expenses or cost that may be necessary in making such examination, and in the event that the insurance company be found not guilty of a violation of this act, the said bond shall be responsible for all the expenses incurred by reason of investigation, but should said company be found guilty of a violation of this act then said company shall be responsible for the expense thereof.

SEC. 5. That any fire insurance company violating any provision of this act, or refusing to submit to the aforesaid examination when requested, shall forfeit their right to do business in this State for the twelve months thereafter, and the Secretary of State shall immediately revoke the license already issued to said fire insurance company to do business in this State.

SEC. 6. That if any such company shall fail or refuse to pay expenses of examination upon the presentation of a bill therefor by the Secretary of State, then the said Secretary of State shall at once institute proceedings against the said company for the recovery of the same, and for this purpose may attach any of the property of the said company to be found within the jurisdiction of the court before which such proceedings are had.

SEC. 7. Any person acting as adjuster on a contract made otherwise than authorized by the laws of this State, or by any insurance company or person not regularly licensed to do business in the State, or who shall adjust or aid in the adjustment, either directly or indirectly, of a loss by fire on property located in this State, incurred on a contract not authorized by the laws of this State, shall be deemed guilty of a misdemeanor and shall upon conviction be fined not less than one hundred dollars or more than five hundred dollars or imprisoned not less than six months or more than two years or both in the discretion of the court.

SEC. 8. That section four (4), chapter one hundred and seventy (170), laws of one thousand eight hundred and eighty-

seven (1887), and section four (4), chapter one hundred and seventy-eight (1878), laws of one thousand eight hundred and eighty-five (1885), are hereby repealed, and any other laws and clauses of laws in conflict with this act be, and the same are hereby repealed.

SEC. 9. This act shall be in force from and after its ratification.

Ratified the 1st day of March, A. D. 1897.

CHAPTER 168.

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, in what
currency paya-
ble.
How collected
and assessed.
How applied.

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.
How applied.

SEC. 3. There shall be levied and collected annually an *ad valorem* tax of twenty-two and two-thirds cents for State purposes, three and one-third cents for pensions, twenty cents for public schools, making forty-six cents on every one hundred dollars value of real and personal property in this State, and moneys, credits, surplus reserve funds, undivided profits, investments in bonds, stocks, joint stock companies, or otherwise, required to be listed in "an act to provide for the assessment of property and collection of taxes," subject to exemptions made by law, and no city, town or other municipal corporation shall have power to impose, levy or collect any greater sum on real and personal property than one per centum of the value thereof, except by special authority from the General Assembly.

Ad valorem tax
for State pur-
poses.
For pensions.
For public
schools.
Subjects of
taxation.
Exemptions.
Limitation on
municipal taxa-
tion.

Taxes on stock of banks and building and loan associations to be paid by cashier to State Treasurer.

On failure Treasurer to bring action.

Action brought in Wake county or in county where bank or building and loan association is located.

County commissioners to levy county and school tax.

County and school tax to be paid to Sheriff.

No deduction for stock held by non-residents.

Tax on incomes from property not taxed.

On income from salaries and fees.

On incomes from other sources.

From one thousand to five thousand dollars.

On income from five thousand to ten thousand dollars.

On income from ten thousand to twenty thousand dollars.

On income exceeding twenty thousand dollars.

Exemptions of corporations from taxation repealed.

Exceptions.

Proviso :
Property held as investment, speculation or rent not exempt.
Investments of corporations taxable at value.

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 the income derived from property not taxed five per centum ; on the gross income 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 investments, 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 securi-

ties 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, and shall expire on the thirty-first day of May of each year.

SEC. 8. On each room or hall used as a theatre 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.

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.

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 or house in which the entertainment was held shall be responsible for said tax.

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.

License taxes.

License tax not to relieve from *ad valorem* tax.

Term of license.

Rooms or halls used as theatre or opera house.

In places of more than 10,000 population.

From 10,000 to 5,000 inhabitants.

From 5,000 to 2,500 inhabitants.

From 2,500 to 1,000 inhabitants.

Less than 1,000 inhabitants.

License issued by Sheriff.

Halls not liable to further license tax by county.

How license tax divided.

Exhibitions in licensed hall not taxed.

Tax on traveling theatrical companies exhibiting in unlicensed halls.

Owner of hall responsible.

Concerts and musical entertainments in unlicensed hall.

Owner of hall responsible.

Lectures in unlicensed halls. Owner of hall responsible.

- Museums, wax or curiosities. SEC. 12. On museums, waxworks or curiosities of any kind, natural or artificial, on each day's or night's exhibition, three dollars, unless given for the sole benefit of religious, charitable or educational purposes, and the owner of the hall shall be responsible for said tax.
- Owner of hall responsible.
- Circuses and menageries. SEC. 13. On every exhibition of a circus or menagerie, 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.
- Animal shows and trapeze and juggling performances.
- Other entertainments. 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.
- Exceptions.
- Proviso : Spiritualists or mediums not exempt.
- Gift enterprises. 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 or 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.
- Prize photographs.
- Taxes under this section paid to sheriff.
- Payment of tax not to relieve persons engaged in business from penalties.
- Billiard and pool tables and bowling alleys in connection with liquor shops.
- Other billiard or pool tables and bowling alleys. 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, twenty-five dollars, whether kept under the same roof or otherwise ; and on all other billiard or pool tables, bowling alleys or alleys of like kind kept for public use, twelve dollars and fifty cents each.
- Skating rinks, bagatelle tables, merry-go-rounds, hobby horses, switch back railways and other games. SEC. 17. On each skating rink, bagatelle table, merry-go-round, hobby horses, switchback 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.

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 on oath of receipts to the register of deeds within ten days after the first days of January and July of each year, and at the same time pay to the sheriff the tax herein imposed.

Ferries, bridges and tollgates.

Receipts to be returned under oath.

SEC. 19. On every person or firm who keeps horses or mules to hire or to let, with or without vehicle, 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 to 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. And all persons or firms who buy, sell or trade in horses or mules as a business for profit, shall pay an annual tax of \$25 to the State and an additional tax of \$10 to each county in which such buying, selling and trading is carried on.

Livery stables.

Stock kept for hire to be returned on oath.

Dealers in horses and mules.

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, an annual tax of five cents per thousand for cigars and cheroots, and one-half cent per pound on manufactured smoking and chewing tobacco, and fifteen cents per thousand for cigarettes, and fifteen cents per thousand sheets of cigarette paper (of single cigarette size): *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. 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-two (22) 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 merchant, broker or dealer. Dealers in cigars, cheroots and manufactured tobacco.

Proviso : Not to apply to manufacturers. Municipal corporations not allowed to impose tax, license or fee on dealers.

How taxes collected and returns made.

Proviso : Dealer paying tax relieved from purchase tax.

SEC. 21. 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 forms or otherwise: *Provided, however*, that on any agency or association having offices located in more than one county in charge of

Mercantile agencies.

How tax determined.

Proviso : Limitation as to State tax.

agents or servants, that the same shall not be held liable for more than the above sum for the State of North Carolina.

Merchants,
jewelers, gro-
cers, druggists
and other
dealers.

Purchase tax.

Returns of pur-
chases to be
made under
oath.

Transient
dealers.

Statement to be
filed and
recorded.

Agent or com-
mission mer-
chant to make
return for prin-
cipal.

Proviso :
Returns may be
sworn to before
justice of the
peace.

Clerk to keep
book, record lists
and furnish copy
to sheriff.

Sheriff to collect
taxes.

County commis-
sioners may
examine books
of merchants or
dealers.

And may require
statement and
exhibition of
books from any
person having
knowledge on the
subject.

Merchant or
dealer refusing
guilty of mis-
demeanor.

Penalty.

SEC. 22. 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 purchase in or out of the State except purchases of farm products from the producers for cash or credit, whether such persons herein mentioned shall purchase as principal or through an agent or commission merchant, one-tenth of one per centum on all his purchases for the preceding six months. 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 and 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 any 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 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, and for his second return the clerk shall be allowed a like fee, which shall be allowed by the county commissioners and paid by the county treasurer.

Chairman of county commissioners to prosecute.

Fees of clerk of commissioners.

SEC. 23. Every person who shall buy for the purpose of selling spirituous, vinous or malt liquors, 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: *Provided*, in towns with less than 500 inhabitants, and in towns where the sale of liquor is prohibited by law, \$25 shall be the license.

Dealers in liquors.

License for druggist dealing in liquors.

Druggist allowing liquor to be drunk on premises subject to liquor dealer's tax.

Proviso: Druggist to sell only on prescription of physician.

Proviso: License tax in prohibition towns.

SEC. 24. 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 commissioners of the county in which he proposes to peddle or sell for a license, and the board of county commissioners may issue the license

Peddlers.

Peddlers on foot.
Peddlers with one horse.

Peddlers with two horses.
Itinerant salesmen.

How license issued.

Length of license.	upon the payment of the tax to the sheriff, which shall
Proviso: Issue of license discretionary with board.	expire at the end of twelve months from its date: <i>Provided</i> , 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
License to be exhibited to clerk of commissioners.	to and countersigned by the clerk of the board of county commissioners, by whom a permanent record of all such license shall
Clerk to keep record of licenses.	be kept. Any person may sell under this section, without 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
Exemptions from peddler's tax.	shall be the duty of every person receiving a license under this section to exhibit the same upon demand of any constable or justice of the peace of any township in which he may vend or offer to vend any of the articles taxed in this section, and upon failure to do so every such person shall be presumed to be peddling without license, and shall be arrested and held to answer the charge, and if after arrest he shall produce his license he shall be dismissed upon the payment of all costs; and it shall be the duty of any constable or justice of the peace to arrest all persons peddling without license required by law, and hold them to answer the charge of misdemeanor, and upon conviction shall be punished as prescribed in section thirty-eight of this act; and any person who shall transfer or assign a license shall be subject to like punishment. The board of county commissioners shall have power at their discretion to exempt from tax under this section any poor and infirm person who has no other means of support. The clerk of the board of county commissioners shall be entitled to a fee of twenty five cents for each license recorded under this section, to be paid by the person applying for the license. That any person carrying a wagon, cart or buggy for the purpose of exhibiting or delivering any wares or merchandise shall be considered a peddler.
Penalty for failing to exhibit license.	
Duty of constables and justices of the peace.	
Penalty for peddling without license or assigning license.	
County commissioners may exempt.	
Fee of clerk.	
Peddlers defined.	
Manufacturer selling sewing machines.	SEC. 25. Every manufacturer who shall engage in the business of selling sewing machines in this State shall, before selling or offering for sale any such machines, pay to the State treasurer a tax of three hundred and fifty dollars, and obtain a license which shall operate for one year from the date of issue, and all licenses, provided for in this section shall be countersigned by the State auditor, and shall not be valid unless so countersigned. A separate tax shall be paid by every manufacturer, and the name of every class or style of machine having a separate and distinct name manufactured by him or them, and to be offered for sale in this State, shall be furnished in the written application for license to the State treasurer and
License to be countersigned by Auditor.	
Separate tax by every manufacturer.	
Name of machine to be inserted in license.	

inserted in the license. The State treasurer shall, upon the written application of any manufacturer who has obtained license as provided in this section, and the payment of a fee of fifty cents, issue a certified duplicate copy of said license to any agent designated by the license. Every manufacturer to whom license shall be issued as provided in this section shall have power to employ an unlimited number of agents to sell the machines named in his license. 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. It shall be the duty of the State treasurer to have this section printed on the face of each license issued under this act for the information and protection of parties to whom the same may be issued: *Provided*, that any second hand sewing machine traded for, or taken in exchange, as part payment of a new sewing machine may be sold free of tax by any party to whom licenses have been issued to sell sewing machines.

SEC. 26. Every person, company or manufacturer, who shall engage in the business of selling pianos or organs by sample, list or otherwise, in this State shall, before selling or offering for sale any such instrument, pay to the State treasurer a tax of ten dollars on each brand and obtain a license, which shall operate one year from its date, and all licenses provided for in this section shall be countersigned by the State auditor, and shall not be valid unless so countersigned. It shall be the duty of the State treasurer to have this section printed on the face of each license issued under this act for the information and protection of parties to whom the same may be issued. A separate tax shall be paid by each person, company or manufacturer, for

Duplicate licenses.

Number of agents unlimited.

Exemption from municipal taxation.

Misdemeanor. Penalty.

Penalty to officer.

County, town and township bonded officer to prosecute.

Not to apply to merchants buying and selling licensed machines.

Section to be printed on face of license.

Proviso: Second hand machines taken in trade.

Dealers in pianos or organs.

License to be countersigned by Auditor.

Section printed on face of license.

Separate tax for each style of instrument with distinct name.

Exemption from municipal taxation.	every class or style of instrument having a separate or distinct name sold by him or them. 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 instrument 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.
Misdemeanor.	
Penalty.	
Penalty to officer.	
County, town and township bonded officers to prosecute.	
Gypsies and fortune tellers.	SEC. 27. 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.
Not relieved of penalties.	
Lightning rods.	SEC. 28. On every person or company who puts up lightning rods, twenty dollars annually for each county in which he carries on business.
Clock, stove and range peddlers.	SEC. 29. On every itinerant person or company peddling clocks, stoves or ranges, one hundred dollars annually on each wagon, "if wagons are used," in each county where he or they may peddle. If wagons are not used, the tax shall be paid on each agent.
Tax on each wagon.	
If wagons not used tax on each agent.	
License tax on fire or accident insurance companies.	SEC. 30. That the fees for license issued to any fire or accident insurance company to do business in this State shall be two hundred dollars per annum, and that the fee for license on life insurance companies shall be two hundred and fifty dollars per annum. All insurance companies shall pay a tax of two per centum upon the amount of their gross receipts in this State: <i>Provided</i> , 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 bond and mortgages on real property in this State, the tax shall be only one per centum thereon. No county or corporation shall be allowed
License tax on life insurance companies.	
Tax on receipts 2 per cent.	
Proviso: One-fourth of gross assets of company invested in certain securities tax reduced to 1 per cent.	
Exemption from	

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.

municipal taxation.
License and tax to be paid to Secretary of State.

SEC. 31. Every State bank, savings bank or association conducting a business as contemplated in this section, any private banker, every money, exchange, bond or note broker, whether operating as corporations or associations, or privately as individuals, in addition to the *ad valorem* tax on their capital invested, shall pay annually to the State treasurer a tax according to capital employed, as follows: On a capital of twenty-five thousand dollars or less, fifty dollars, and two dollars for each one thousand dollars of capital stock in excess of twenty-five thousand dollars; also twenty-five dollars additional for each county in which any of said banks, associations, bankers or brokers have an agency. On failure to comply with the provisions of this section the banks, associations or persons mentioned shall pay as taxes two thousand dollars, to be collected by the State treasurer. Every building and loan association conducting business in the State shall pay annually to the State treasurer a tax according to the paid in capital, as follows: A paid in capital of two hundred thousand dollars (\$200,000) or more, one hundred dollars (\$100); on paid in capital of fifty thousand dollars (\$50,000) and less than two hundred thousand dollars (\$200,000), fifty dollars (\$50); on a paid in capital of twenty-five thousand dollars (\$25,000) and less than fifty thousand dollars (\$50,000), twenty-five dollars (\$25); on a paid in capital of five thousand dollars (\$5,000) and less than twenty-five thousand dollars (\$25,000), ten dollars (\$10); on a paid in capital of less than five thousand dollars (\$5,000), five dollars (\$5): *Provided*, that no 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.

Banks, banking institutions, private bankers and brokers.

Tax according to capital.

Penalty for failure.

Building and loan associations.

Tax according to paid in capital.

Proviso: Exemption from municipal taxation.

Misdemeanor.

SEC. 32. 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 an annual license tax of ten dollars, and 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, volume 2 of *The Code of North Carolina*, entitled "Auctioneers."

Auctioneers.

SEC. 33. 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, shall pay an annual license tax of fifty dollars and shall at the time required by this chapter return under

Pawnbrokers.

Returns to be made under oath.
Tax on value of pledged.

Liquor dealers and clubs.

Tax when payable.

Five gallons or less.

For county school fund.

Five gallons or more.
To be paid to State Treasurer.
Malt liquors.

For county school fund.

License authorizes sales only as specified.

Not to apply to person selling wines and spirits of his own manufacture.

How application for license to be made.

Upon filing of petition commissioners may order license to be issued.

Except in territory where sale of liquor is forbidden.

Proviso:
License may be refused to certain persons and in certain premises.

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.

SEC. 34. 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 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 of spirits in not less than one gallon; every person, company or firm, wishing to sell liquors under this section, except manufacturers, shall apply to the board of county commissioners for an order to the sheriff to issue a license, and shall specify the particular building in which the business carried on under such license is to be transacted. Every such application shall be in writing, signed by the applicant and accompanied by the affidavit of six freeholders, residents of the voting precinct in which the applicant proposes to do business, all of whom shall declare 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 may grant an order to the sheriff to issue such license, except in territory where the sale of liquors is prohibited by law: *Provided, however*, that the board of county commissioners, upon satisfactory evidence that such applicant has been convicted, or has been found to have confessed his guilt in a court of competent jurisdiction, of any violation of the laws of this State or any other State regu-

lating the sale of spirituous liquors, or that the building specified is without the limits of an incorporated town or city, or is within two hundred feet in a direct line from any church edifice or the premises pertaining thereto, may refuse to grant an order to the sheriff to issue license to such applicant; that the license authorized within an incorporated town or city under this section shall first be granted by the authorities of such town or city: *Provided, further*, that the board of county commissioners may, upon complaint made by any resident of the county that any person, company or firm, holding a license under this section, has violated the laws of this State regulating the sale of spirituous liquors, and upon satisfactory evidence of his or their conviction, or such confession of such violation in a court of competent jurisdiction, revoke any license 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: *Provided, further*, that counties may levy not more than as much tax as the State, under the provisions of this section. All persons taking out license to sell spirituous, vinous or malt liquors under the provisions in this section shall post up in some public part of their place of business the license issued to them. The license shall be printed in such form as the treasurer of the State may prescribe, and furnished by register. Any person failing to post up the license 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 on any date after the first day of January or the first day of July, shall pay the whole amount of tax for the six months ending the thirty first day of December or the thirtieth day of June, as the case may be, after the date of the license: *Provided, further*, that no license shall be issued to any applicant under this section who is not a *bona fide* citizen of the United States and a legal voter of North Carolina.

SEC. 35. On all hotels, boarding or lodging houses, restaurants and eating houses of any kind, kept for the business of furnishing either board, lodging or meals to any regular or transient boarders or travelers, for pay or hire, whose gross receipts are over one thousand (\$1,000) and less than two thousand dollars (\$2,000) the sum of ten dollars (\$10.00) and one-half of one per centum on all gross receipts over and above two thousand dollars.

License in city or town to be first granted by authorities of same.

Proviso: License may be revoked.

Procedure for revocation of license.

Proviso: County tax.

License to be posted.

Form of license prescribed by State Treasurer.

Penalty for failure to post license.

License to be paid for full time whenever issued.

Proviso: License to be issued only to citizens of United States and voter in this State.

Hotels, boarding or lodging houses, restaurants and eating houses.

Lawyers, physicians and dentists.

Proviso: Exemption from municipal taxation.

Proviso: All persons writing legal instruments for pay deemed as practicing law.

Franchise tax on capital of business corporation.

Capital \$25,000 or less.

Capital over \$25,000 and less than \$50,000.

Capital over \$50,000 and less than \$100,000.

Capital over \$100,000 and less than \$250,000.

Capital over \$250,000 and less than \$500,000.

Capital over \$500,000.

Capital over \$1,000,000.
Definition of capital stock.

Failure to pay franchise tax to work forfeiture of charter.

Persons practicing trade or profession or using franchise subject to tax without paying tax guilty of misdemeanor.
Penalty.

SEC. 36. On each and every practicing lawyer, practicing physician and dentist, the sum of five dollars and one-half of one per centum on gross receipts from his profession over and above one thousand dollars: *Provided*, that no city, town or county shall levy any additional license tax on lawyers, physicians and dentists: *Provided*, that any and all persons who shall write deeds, mortgages, conveyances or other legal instruments for a pecuniary consideration shall be deemed as practicing law, and subject to the tax imposed by this section.

SEC. 37. 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-fivethousand 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 not exceeding 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 not exceeding 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); on companies having a capital stock of over one million dollar (\$1,000,000.00), five hundred dollars. By the terms of "capital stock" in this section is meant the amount of capital fixed by the corporation charter, or by the stockholder pursuant to the powers granted in the charters; 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 of said year 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. This section shall apply equally to all companies, whether home or foreign.

SEC. 38. 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 or imprisoned, 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.

Further penalty to school fund.

SCHEDULE C.

SEC. 39. The taxes embraced in this schedule shall be listed and paid as specially therein directed, and shall be for the privilege of carrying on the business or performing the acts named.

How taxes in this schedule listed and paid.

SEC. 40. Every railroad, steamboat or canal company, incorporated under the laws of this State, doing business in this State, shall pay to the State a tax on the corporation equal to the sum of one per centum upon the gross receipts of said company. The said tax shall be paid semi-annually upon the first days of July and January, and for the purposes 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.

Railroad, steamboat and canal companies, tax on receipts.

When tax payable.

Receipts to be returned under oath.

Penalty for failure.

Proviso: Tax on railroads and canals lying partly in another State to be proportionate to length in each State.

Companies not liable whose property is taxed.

Companies exempt from tax on real estate to pay tax on receipts.

SEC. 41. The clerk of the superior court in each county shall require every administrator and every executor, upon the filing of the annual reports required by law of such administrators or executors to deposit in the office of the clerk, to be turned over in ten days to the sheriff or tax collector of the county, the following taxes: Upon all legacies and inheritances devised

Legacy and inheritance tax to be paid by personal representative to clerk of Superior Court.

Rate of tax.

Final account
not to be filed
until tax paid.

Tax on railroad
operated under
lease or by con-
tract to be paid
by lessee or con-
tractor.

And deducted
from payments
to lessor unless
otherwise stipu-
lated.

Express compa-
nies whose gross
receipts in State
exceed \$10,000.

Other express
companies, tele-
graph and tele-
phone compa-
nies.

Returns to be
made under
oath.

When tax to be
paid.

Tax on seals.

For the Great
Seal of the State.

or descended to persons in the direct line, two-thirds of one per cent., and upon all such legacies and inheritances devised or descending collaterally (save and except such as are for charitable uses), one and one-half per cent., and no administrator or executor shall be permitted to file his final account unless and until such taxes are paid or discharged.

SEC. 42. 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.

SEC. 43. Every express company doing business in this State whose gross receipts in business done in this State shall exceed ten thousand dollars (\$10,000) per year, shall pay an annual tax of three thousand dollars to the State treasurer on or before the first day of April of each year. Every express company whose gross receipts on business done in this State shall not exceed ten thousand dollars (\$10,000) per year, and every 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.

SEC. 44. 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 commissions, 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 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. 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, any 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.

SEC. 45. 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.

SEC. 46. 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.

SEC. 47. Any officers, 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.

Reciprocal tax and fee.

Seal of State department.

Seal of State Treasurer.
Account to be kept and sworn statement rendered.
Scrolls taxed as seals.

Exemptions.

Compensation of officers.

Penalty for failure to pay over seal tax.

Marriage licenses.

Returns to be made under oath.

When payable.
Return to be filed with Clerk of Superior Court.

Fines, penalties, and forfeitures and taxes for liquor license to be paid into school fund, within thirty days of collection.

Officer violating preceding section or appropriating tax money to his own use, guilty of embezzlement.
Penalty.

Laws revised in this act repealed.

Proviso :
Repeal not to affect the taxes which are or should be listed.

Duty of Auditor in preparing blanks.

No tax to be levied by Auditor.

Penalty.

Auditor may reject returns and make investigation.

Drummers license tax.

License countersigned by Auditor.

Section to be printed on face of license.

License not transferable.

Actual possession of license necessary to protection.
Exemption from further taxation.

SEC. 48. All laws imposing taxes, the subjects of which are revised in this act, are hereby repealed : *Provided*, that this repeal shall not extend to the provisions of any laws, so far as they relate to the taxes listed, or which ought to or would have been listed, or which may be due previous to the ratification of this act.

SEC. 49. 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.

SEC. 50. 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 investigation as to such omissions, and for this purpose may send for persons and papers.

SEC. 51. Every person, firm, company or corporation who shall engage in the business of selling or offering for sale by a drummer or drummers, with or without sample, goods, wares or merchandise of any description, in this State, shall, before so selling or offering for sale any such goods, wares or merchandise, pay to the State treasurer a tax of fifty dollars (\$50.00), and obtain a license, which shall operate one year from its date, and all licenses provided for in this section shall be countersigned by the State auditor, and shall not be valid unless so countersigned. It shall be the duty of the State treasurer to have this section printed on the face of each license issued under this act for the information and protection of parties using the same. The licenses issued under this section shall not be transferable, but may be used by any drummer in the employ of the licensee, but at no one time shall more than one drummer sell or offer to sell under any one license, which license must be in the actual possession of the drummer at the time of his so selling or offering to sell to secure his protection. That neither the person, firm, company or corporation obtaining license issued under this section, nor any drummer selling under said license, as aforesaid, shall be taxed by any county, city or town government, for the privilege or license of so selling or offering for sale,

but they shall be exempt from any other license or privilege tax, either State, county, city or town, for so selling or offering to sell. Any drummer selling or offering to sell any goods, wares or merchandise without such license in his actual possession shall be deemed guilty of a misdemeanor, and upon conviction shall be fined fifty dollars (\$50.00) or imprisoned not exceeding thirty (30) days; the fine to be paid into the State treasury as other taxes. It shall be the duty of all county, town and township bonded officers to prosecute for violation of this section. Any justice of the peace, or the mayor of any city or town, shall have power to serve warrants under this section, and collect the fine, which shall be applied as hereinbefore provided.

Misdemeanor.
Penalty.

Municipal officers to prosecute.
Jurisdiction.

SEC. 52. That it shall be and it is hereby made the duty of the sheriff of each county in the State to make diligent inquiry and report to the judge at each term of the criminal court held in the county following the time when the license tax and taxes provided for in schedules A, B and C of this act should have been paid as to whether or not such license taxes and other taxes have been paid by all persons or corporations liable for the same, and to make out a list of all delinquents. And it shall be made the duty of the judge to submit the list of the delinquents to the solicitor to the end that such delinquents may be prosecuted for such defalcation in the manner provided in the next section of this act.

Sheriff to report
lists of delin-
quents to Judge.

Judge to submit
delinquent list to
Solicitor for pros-
ecution.

SEC. 53. That such person or corporations who are liable to pay the license tax or taxes provided for in schedules A, B and C of this act and the machinery act, and shall fail to pay the same as provided by law shall be guilty of a misdemeanor, and punished by a fine not exceeding five hundred dollars or imprisoned not exceeding six months, and the sheriff shall be allowed by the judge such compensation for making such report as he may deem just and proper, to be paid by the county.

Persons liable to
license tax fail-
ing to pay guilty
of misdemeanor.

Penalty.

Allowance to
Sheriff.

SEC. 54. This act shall be in force from and after its ratification.

Ratified the 9th day of March, A. D. 1897.

CHAPTER 169.

An act to provide for the assessment of property and the collection of taxes.*The General Assembly of North Carolina do enact :*

County Commis-
sioners may
exempt from
poll tax.
Grounds of
exemption.

Clerk of commis-
sioners to give
certificate of
exemption.

Taxes to be col-
lected by attach-
ment.

Employers to
give list of
employees sub-
ject to tax.

Failure a
misdemeanor.

Form of attach-
ment.

Fee of sheriff.

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 extended 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.:

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 of 18—, and you are hereby summoned to appear before E F, an acting justice of the peace for county, and disclose any indebtedness which is or may be due said delinquent by you during the present calendar year, and to show cause why judgment should not be rendered against you for said delinquent tax and cost of this proceeding.
.....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.

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 free holders 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.

When list-takers and assessors to be appointed.

Assessors to ascertain value of property and assess in accordance therewith.

Board to meet and elect chairman.

Board may administer oaths.

When assessment in force.

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.

Assessors for towns.

List-takers for towns.

Assessors and list-takers for wards in towns.

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 tax payers to return to said list-takers and assessors all the real and personal property which each tax payer 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.

Township list-takers and assessors to make advertisement.

Property listed as of June 1st.

Returns to be made during June.

Two or more listing places in each township.

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:

Board to return abstract by first Monday in July.

Affidavit.	“ We the list-takers and assessors oftownship 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 tax-payers concerned.”
County board of equalization.	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 :
To meet on first Monday in July.	
Chairman of commissioners, chairman of board.	
Board to equalize valuation.	
Valuation of property under-valued to be raised.	(1) They shall raise the valuation of such tracts or lots of 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.
Valuation of property over-valued to be reduced.	(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 and 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.
What to be considered in valuing real property.	
Compensation of list takers and assessors.	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 equalizing such <i>per diem</i> 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 meetings of the board of equalization. The <i>per diem</i> and mileage allowed, as provided in this section, shall be paid by the county.
Compensation of board of equalization.	
Compensation to be paid by county.	
List-takers in years when no assessment is made.	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 may deem just and proper, and the same shall be paid by the county treasurer.

Proviso:
List-taker for
wards in cities.

Compensation
of list-takers.
Paid by county
treasurer.

SEC. 9. List-takers and assessors shall make out their accounts in detail, giving the date of each day when 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.

List-takers and
assessors to
make out ac-
counts in detail
and under oath.
When assessor
and list-takers
entitled to com-
pensation.

Proviso:
County commis-
sioners to be
judges of time
required to com-
plete work.

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 tax payers to return to him all the real and personal property which each tax payer shall own, on the first day of June, and said returns shall be made to the list-taker during the month of June, under the pains and penalties prescribed by law. Each list-taker shall attend at two or more places in each township for the purpose of taking a list of property for taxation.

List-takers to
make advertise-
ment.

Property to be
listed during
June as of June
1st.

Two or more
listing places in
each township.

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

Property to be
listed under oath

What to be
listed.

Proviso:
Property held
by non-resident
trustee listed by
trustor.

Where personal property held by guardian or personal representative of deceased person listed.

Proviso:
City or town tax not payable on personal property of ward not resident therein.

Proviso:
Misdemeanor to evade tax by exchanging property.

When and by whom list to be given in.

Proviso:
Who may appoint agents for listing.

How property of corporations given in.

Proviso:
Returns of cashiers of banks.

Real estate to be listed in township where located.

Personal property used in connection with farm to be listed with farm.

Stock grazing to be listed where owner resides.

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 said 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-taxpaying securities shall be guilty of a misdemeanor.

SEC. 12. The list shall be given, 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 the stockholders reside the number of shares and market value of such shares held by each stockholder, and also furnish to the auditor of the State the names and residences of all holders of said stock, and the auditor shall furnish to the sheriff or other tax collector of each county the names and residences of said stockholders.

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 in the interest listed, and shall be taxed to the parties owning the different interests respectively. In listing mineral, quarry or timber or interests the owner thereof shall describe in his list, together with the separate value of the same on each separate tract or parcel of land in or on which the same shall be situated or located, and the list-taker shall be particular to enter the same on the tax list according to the return. An owner of separate timber interest shall list the same, whether the timber shall be attached to or detached from the soil.

SEC. 14. All taxable polls and all personal property, except such shares of capital stock and other property as are directed to be listed otherwise in this act, shall be listed in the township in which the person so charged resides on the first day of June. The residence of a corporation, partnership or joint stock association, for the 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, and the president or other chief officer of such corporations, except banks, shall furnish to the auditor of the State the names and residences of all persons owning shares in said corporations, and the auditor shall furnish to the sheriff or tax collector of each county the names and residences of such persons owning shares in said corporations: *Provided*, that Section 14 cannot be construed so as to impose a double tax on said corporations.

SEC. 15. At the time and place appointed by the list-taker the tax payer in person, except as provided in section twelve, shall 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 tax payer.

How land listed when ownership is in one person and mineral or other rights in another.

How mineral, quarry or timber interests listed.

To be entered according to return.

Separate timber interest to be listed.

Where polls and personal property to be listed.

Residence of corporation, partnership or joint stock association.

Corporations having separate places of business to make separate returns.

Stockholders not to list shares.

President of corporation other than bank to list shares of stock.

Tax on shares to be paid by corporations.

Where shares in branch banks listed and taxes paid.

Lists of stockholders to be furnished auditor.

Proviso: Double tax not to be charged.

Sworn list of all property to be returned.

Taxpayer to swear to value.	The taxpayer shall also swear to the true value of his or her property and choses in action, except land, which oath shall be
Form of oath.	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.
False return 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. The sheriff or other tax collector in any county shall be liable to suit on his official bond for failure to report any false return of property mentioned in this section which he may discover, or which may be otherwise discovered and made known to him, and it shall be his duty to report such fraud to the grand jury of his county.
Property held in fiduciary capacity to be returned on separate list.	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.
Sheriff liable for failure to report false return.	(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.
Duty of sheriff to report to grand jury.	(2.) The number of horses, mules, jacks and jennies in one column, goats, cattle, hogs and sheep separately, with the true value thereof.
What list shall state.	(3.) Farming utensils, tools of mechanics, household and kitchen furniture, provisions, fire-arms, libraries and scientific instruments, specifying the articles separately at the true value thereof.
Land.	(4.) Money on hand, including all funds invested within thirty days before in United States bonds or other non-taxable property whatever.
Live stock.	(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.
Farming utensils.	(6.) All foreign building and loan associations doing business in this State 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
Money on hand.	
Credits.	
Stock of foreign Building and Loan Associations held by citizens.	

stock for taxation the withdrawal value, as fixed by the by-laws of each company, shall be furnished the list-taker, and the stock shall be valued for taxation as other moneyed 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.

Such stock valued as other moneyed investments.

Penalty on association or officer not listing.

Person collecting for delinquent association guilty of misdemeanor.

Penalty.

Tax to be paid by association.

(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 or market value. The party may deduct from the amount of his credits owing to him the amount of collectible debts owing by him as principal debtor.

Bank deposits and property in hands of commission merchants deemed credits.

Credits listed at current value. Deductions from credits.

(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.

Money investments, stocks and bonds.

(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 or child, at their value.

All 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.

Income from property not taxed.

Income from salary or fees.

(11.) If the party be a non-resident of the county and owns land 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.

List to state address of non-resident land owner.

List-takers to examine on oath as to property for which exemption is claimed. Such property to be entered and noted on tax list. County Commissioners to consult State Treasurer.

State Treasurer to decide.

List-taker failing to examine guilty of misdemeanor.

Person refusing to answer questions or to make and swear to return guilty of misdemeanor.

Penalty.

List taker to prosecute. Powers of list-takers and chairman of county commissioners.

Valuation of real property to be corrected.

Exemptions.

Property of United States, this State or municipal corporation.

Property owned by and exclusively used for educational, charitable and religious institutions.

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 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 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, Farmer's Mutual Fire Insurance Association, 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*, that when the rental from such property is applied exclusively to the support of the gospel the property shall not be taxed.

(3). Such property as may be set apart for graveyards or burial lots, except such as is held for the purpose of speculating in the sale thereof.

(4). Twenty-five dollars of personal property of each individual tax-payer.

SEC. 21. The auditor of the State shall prepare forms to be used in assessing and listing property for taxation by the assessors and list-takers. He shall transmit said forms to the clerk of the board of commissioners of each county by the fifteenth day of May, and the clerk shall deliver to each board of list-takers and assessors the necessary number of the forms for their respective use. The assessors forms shall be furnished every fourth year, and the list-takers forms annually.

SEC. 22. The list-takers shall on or before the first Monday in July in each year return the tax list to the clerk of the board of commissioners. He shall also return a list of the property in the township not given in for taxation, with a description and valuation thereof made by himself, and the names of the occupant and supposed owner, and a list of the taxable polls of the township not given in for taxation. The returns so made shall be open to the inspection of all persons interested, and the clerk shall give to any person desiring it a copy of so much thereof as relates to his property on paying a fee of ten cents.

SEC. 23. The list-taker, upon making return to the board of commissioners of the list and statements, shall take and subscribe an oath to the effect following, which may be administered by the chairman of the board of commissioners or any other officer authorized to administer oaths: "I,, list-taker of, in 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

Graveyards and burial lots, except such as are held for speculation.

Twenty-five dollars personal property.

Auditor to prepare forms.

When forms to be sent.

Assessor's form sent quadrennially; list-taker's annually.

When tax lists returned.

Returns of property not given in.

Return unlisted polls.

Returns to be open for inspection,

Fee for copy.

Returns made under oath.

Form of oath.

bonds, stocks, joint stock companies or otherwise of any person, company or corporation, I have diligently and by the best means in my power endeavored to ascertain the real value thereof, and that I verily believe a full list, with the value thereof, estimated by the rules prescribed by law, is set forth in the annexed returns; that in no case have I knowingly omitted to receive of any person of whom by law I was required to receive a statement of the description and value of real and personal property, or of the amount of moneys, credits, investments in bonds, stocks, joint stock companies or otherwise, which he was required to list, or in any way connived at any violation or evasion of any of the requirements prescribed by law in relation to the listing or valuation of property, moneys, credits, investments in bonds, stocks, joint stock companies or otherwise, of any kind for taxation, and that I have returned to the board of commissioners the original returns made to me, of 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.

False return
perjury.

Revision of tax
lists and valuation.

Commissioners
to sit until revision
is complete.

Power of com-
missioners.

May receive tax
lists at certain
times on certain
conditions.

Commissioners
shall ascertain
value of property
so listed and
may add 5 per
cent. to tax.

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.

SEC. 25. If any person shall complain before the board of commissioners that his or her property, either real or personal, has been improperly valued, or that he or she is charged with an excessive tax, he or she shall present his or her claim in writing, and they shall hear any evidence adduced by him or her, and shall summon and examine any witnesses necessary for a just decision of the question, including the assessors or list-taker who made the valuation. If the board of commissioners shall find that he or she has cause for complaint they shall direct the 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 the year.

Complaint of improper valuation or excessive taxation to be in writing.

Commissioners to hear evidence and summon and examine witnesses.

Overcharge if found certified to Auditor who shall credit same to Sheriff.

SEC. 26. If the application for relief be made to the board of commissioners after the sheriff shall have settled the accounts with the State and county, the commissioners shall carefully examine the case, and if in their opinion the applicant is entitled to relief, shall direct the clerk to record on the record-book the cause of the complaint, and the amount which in the opinion of the commissioners should be refunded to the applicant.

Application for relief after settlement by Sheriff.

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.

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.

Money overpaid by reason of error in abstract to be returned Sheriff.

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

Chairman of county commissioners to examine tax list of previous year.

Description and valuation of property and names of persons liable to poll tax not given in to be inserted.

Double tax.

Wilful failure to list property or poll, misdemeanor.

Penalty.

List-takers to report changes as to real estate.

Commissioners to add to tax for current year on real estate tax for any previous year in which it has not been listed with 25 per cent. penalty.

Commissioners to value and assess.

Proviso :
Limitation.

Personal property to be charged with tax for years when not listed.

Limitation.

Commissioners to value and assess such property.

Proviso :
Municipal corporations.

therefor be rendered to the board of county commissioners on or before the first Monday in October; and all persons who are liable for poll-tax and shall wilfully fail to give themselves in, and all persons who own property and wilfully fail to list it within the time allowed, before the list-taker or the board of commissioners, shall be guilty of a misdemeanor, and on conviction thereof shall be fined not more than fifty dollars or imprisoned not more than thirty days. The list-taker shall report to the chairman of the board of county commissioners any change he may make to the tax-list as to real estate as provided in this section, and the chairman shall note such changes in a book to be kept for that purpose.

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 apply beyond five years. In all cases where any personal property, *chose 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 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.

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 tax payer 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 tax payer, and the total amount of property school tax levied by the General Assembly and the county authorities due by each tax payer. 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 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.

Tax lists to be in duplicate.

What forms to show.

One copy of tax list to remain in office of Clerk of Commissioners, and one to be delivered to Sheriff.

Order to collect endorsed on copy given Sheriff.

Force and effect of order.

Appeals to be noted on list.

Form of order.

Receipt books for Sheriff.

Lien of agent or representative paying tax.

Abstract to be
returned to
Auditor.

What abstract
shall show.

Poor, county and
school tax.

Penalty on Clerk
of Commis-
sioners failing to
perform duty.

How penalty
collected.

Duty of Auditor.

Duty of Clerk
Superior Court.

Penalty.

Duty of Register
of Deeds.

Apportionment
of valuation
when land is
divided.

Proviso:
Tax already due
not affected.

SEC. 32. The clerk of the commissioners, on or before the first Monday in November after the lists are completed by the commissioners and deposited with him, shall return to the auditor an abstract of the same, showing the number of acres of land and their value, and the value of town lots, and the number of white and colored polls separately, and specify every other subject of taxation, and the amount of state and county tax paid on each subject, and the amount paid on the whole.

At the same time the clerk shall return to the auditor an abstract of the list of the poor, county and school taxes paid in his county, setting forth separately the tax levied on each poll and on each one hundred dollars value of real property for each purpose, and also the gross amount of taxes of every kind levied for county purposes.

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.

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 owner, 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.

SEC. 35. All taxes shall be due on the first Monday in September in each year. When paid the sheriff or tax collector shall note on the tax-list against the name of the party the date of payment and the amount paid. He shall also give receipt to the parties, stating the amount of the state and county tax separately and the date of payment; and for 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.

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

When taxes due.

Sheriff to give receipt.

Failure to give receipt a misdemeanor.

Penalty.

Proviso: Sheriff not to collect if in default for previous year, nor until he has given satisfactory bond.

Sheriff to show receipts before receiving tax lists.

On failure of Sheriff to produce receipt or give bond commissioners to appoint tax collector. Deputies to be sworn.

Oath to be filed.

Failure of deputy to pay over taxes collected a misdemeanor.

When and where Sheriff to attend for collection of taxes.

Notice to be given.

Proviso: No sale for taxes before 1st November.

Fee of Sheriff.

Proviso :
When levy to be
made in certain
counties.

Sheriffs in such
counties to
attend for col-
lection of taxes
in March.

Notice to be
given.

How taxes due
and unpaid
collected.

If party charged
have sufficient
personal prop-
erty sheriff to
seize and sell.

No insolvents
credited to
Sheriff unless
allowed by
Commissioners.
How insolvents
allowed.

List of insolvents
to be recorded
and copy sent to
Auditor.

List of insolvents
and dead or
removed delin-
quents to be
posted at court
house door, and
in each town-
ship.

Commissioners
may order publi-
cation in news-
paper.

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. 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 commissioner's docket, and a copy thereof shall be returned to the auditor of the State on or before the day of the settlement of the sheriff with the treasurer.

SEC. 38. Whenever any sheriff or tax collector shall be credited on settlement with any tax or taxes by him returned as insolvent, dead or removed, he shall forthwith make publication at the court house door of a complete list of the names of such insolvent, dead or removed delinquents, with the amount of the tax due from each, and the sum total so credited, and at least one public place in each township a list of such delinquents of said township. Such complete list, by the order of the board of commissioners, may also be published in any newspaper printed in

the county, in which case the expense of the advertisement for such time, as may be directed, shall be paid by the county. Any sheriff or tax collector failing to comply with the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten nor more than one hundred dollars.

Sheriff or tax collector failing to comply guilty of misdemeanor. Penalty.

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.

Additional returns from corporations.

Location of company.

Amount of capital stock authorized and number of shares.

Amount paid up. Market or actual value of shares.

Assessed valuation of property.

- (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).

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.

What listed as capital stock

Duty of list-taker.

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 portion of shares of stock in national, state and private banks held by non-residents shall not be deducted. The assess-

Bank stock assessed on value of shares.

How bank stock listed and tax paid.

Stock valued as of June 1st.

How bank stock listed for county, school and municipal taxation.

ment 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 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.

Sworn statement of private banks, bank brokers and stock jobbers to show :

Property on hand or in transit.

Funds subject to draft.

Checks and cash items.

Credits due and to become due.

Bonds, stocks and other securities.

All other personal property.

Amount of deposits with them.

Accounts payable.

Bonds and other securities exempt from taxation.

What items listed as money.

What items listed as other personal property.

What items deducted and remainder listed as credits.

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 :

(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 of other companies or corporations held as an investment or any way representing assets.

(6.) All other property appertaining to said business other than real estate, which real estate shall be listed and assessed as other real estate is listed and assessed under this act.

(7.) The amount of deposits made with them by other parties.

(8.) The amount of all accounts payable other than current deposit accounts.

(9.) The amount of bonds and other securities exempt by law from taxation, specifying the amount and kind of each, the same being included in the preceding fifth item. The aggregate amount of the first, second and third items in said statement shall be listed as moneys. The amount of 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 credit. 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.

What item deducted and remainder 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.

Appraisers for railroad, telegraph, canal and steamboat 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 line, 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 the 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 deter-

Returns of telegraph and railroad companies.

What included in return.

Proviso: Certain property returns to county list-takers.

Return of list-takers to Commissioners and Auditor.

Mayors to return rate of municipal taxation.	mined, and such other information obtained in the course of the performance of the duties of their office as the said commissioners shall require of them, and the mayor of each city or town shall cause to be sent to the said commissioners the local rate of taxation for municipal purposes.
Rolling stock.	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 :
How return of rolling stock made and what to contain.	(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 total in the State. (5.) The total assessed value of all the tangible property in this State. (6.) And all the information heretofore required to be annually reported by section nineteen hundred and fifty-nine of <i>The Code</i> . Such schedule 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.
Further returns:	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 commissioners shall make and forward a
Authorized capital stock and number of shares.	
Amount paid up.	
Market or actual value of shares.	
Length of line in each county and in State.	
Assessed value of tangible property.	
Further information.	
Schedules to be made under instructions of commissioners.	
Amounts and values to be as of June 1st.	
How value of railroad, rolling stock and other property determined.	
How value apportioned.	
Certificate of commissioners to county and municipal officers and Auditor.	

like certificate, together with all the reports of the various railroad officers or copies thereof, and other papers and evidence which formed the basis of the valuation, to the auditor of the state. All taxes due 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.

Railroad taxes, except for schools, paid to State Treasurer.

Action by State Treasurer, when and where instituted.

County and school tax to be assessed by county Commissioners.

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.

Proportion of tax when part of railroad is outside of State.

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.

Returns of railroads claiming exemption.

Return not conclusive: Commissioners to investigate.

Hearing before Commissioners.

SEC. 48. If the property of any railroad company be leased or operated by any other corporation, foreign or domestic, the

Foreign lessors of domestic companies.

property of lessor or company whose property is operated shall be subjects to taxation in the manner herein before 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.

Power of Commissioners to summon witnesses and send for persons and papers.

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.

Refusal of railroad officer to attend or to submit books and papers to inspection, or to answer, a misdemeanor.

Penalty.

Contempt, power of commissioners to punish.

How property of canal and steamboat companies assessed when no returns made.

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.

Personal notice on delinquent.

SEC. 51. Before any real estate shall be sold for taxes, the sheriff or tax collector shall personally serve a written or printed, or partly written and partly printed, notice of such sale on the

delinquent tax-payer or his agent at least thirty days before such sale, if the delinquent resides in the State. If the delinquent taxpayer resides out of the State the sheriff or tax collector shall give him notice 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 :

Notice through mail and by publication.

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 written or printed notice posted on the door of the courthouse or building in which the courts are commonly held for four consecutive weeks previous to the sale, and he may adjourn the sale from day to day until all the property advertised has been offered. The notice shall contain a notification that all the lands on which the taxes of the preceding year (naming it) remain unpaid will be sold 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 tax-payer has not sufficient personal property to pay the same situated in the county where the tax is due.

Proviso :
Publication in paper bidding lowest.
Notice to be posted.

Sale may be adjourned.
What notice shall contain.

Expense of advertising.

Land not to be sold if sufficient personal property can be found.

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 tax and cost at once.

Re sale in case of failure.

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 of book, and such certificate shall be an evidence of the regularity of the proceedings.

Sheriff to keep sale book.

And file returns of same.

Return 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 prop-

Failure of Sheriff to attend sale of lands, a misdemeanor.
Penalty.

Penalty on Sheriff or deputy selling real property not subject to taxation or sale.

Liability for damages.	erty for payment of taxes to defraud the owner of such real property, or shall knowingly or wilfully execute a deed for property so sold, he shall be liable to a fine of not less than one thousand nor more than three thousand dollars, or to imprisonment not exceeding one year, or to both fine and imprisonment, and to pay to injured party all damages sustained by any such wrongful act, and all such sales shall be void.
Sales void.	
Penalty on Sheriff concerned in purchase of land sold for taxes. How penalty recovered.	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.	
Personal property tax charged on real estate. Particular tracts or lots to be selected and advertised.	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 real of property owned by the person owing such personal property tax, and in his advertisement for sale shall designate the particular tracts or lots of real property against which sum such personal property tax is charged.
Certificate of Sheriff to purchaser.	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:
Certificate presumptive evidence of regularity. Purchaser's lien.	
Receipt.	
Certificate may include more than one parcel.	
Each parcel separately described.	

CERTIFICATE OF SALE.

Form of certificate.

State of North Carolina, County.
 I,, sheriff of the county of, in the State
 of North Carolina, do hereby certify that the following

described real estate in said county and State, to-wit (describing the same): was, on the day of, 18...., duly sold by me in the manner provided by law for the delinquent taxes for the year 18.... thereon, amounting to dollars, including interest and penalty thereon and the costs allowed by law to for the said sum of dollars, he being the highest and best bidder for the same. And I further certify that unless redemption is made of said estate in the manner provided by law, the said, heirs or assigns will be entitled to a deed therefor on and after the day of, A. D. 18...., on surrender of this certificate. In witness whereof I have hereunto set my hand this day of, A. D.

.....,
Sheriff.

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 of purchase may be assigned by endorsement.

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.

Fee of Sheriff for certificates.

Any number of parcels of land bought by one person may be included in one deed.

Account of deeds to be entered 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.

Redemption to be entered on sale book and receipt given.

Fee of Sheriff.

Redemption money subject to order of purchaser.

Proviso:
Infants, idiots and insane persons.

Redemption to inure to benefit of persons holding title.
 Person redeeming to be reimbursed.

Effect of second sale of property.

Person claiming part interest to redeem on proportionate payment.

Partial redemption to relieve land proportionately.

Purchaser not entitled to deed until conditions are complied with.

Notice of purchase to be served on occupant and person in whose name land was listed.

What notice to state.

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.

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.

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.

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.

SEC. 64. Hereafter no purchaser or assignee of such purchaser of any land, town or city lot, at any sale of lands or lots for taxes or special assessments, due either to the State or any county or any incorporated town or city within the same, or at any sale for taxes or levies authorized by the laws of this State, shall be entitled to a deed for the lands or lots so purchased until the following conditions have been complied with, to-wit: Such purchaser or assignee shall serve or cause to be served a written or printed, or partly written and partly printed, notice of such purchase on every person in actual possession or occupancy of such land or lot, and also the person in whose name the same was taxed or specially assessed, if upon diligent inquiry he can be found in the county, at least three months before the expiration of the time of redemption on such sale, in which notice he shall state when he purchased the land or lot, in whose name taxed, the description of the land or lot he

has purchased, for what year taxed or specially assessed, and when the time of redemption will expire. If no person is in actual possession or occupancy of such land or lot, and the person in whose name the same was taxed or specially assessed upon diligent inquiry cannot be found in the county, then such person or his assignee shall publish such notice in some newspaper published in such county, and if no newspaper is published in the county then in the nearest newspaper that is published in this State or to the county seat of the county in which such land or lot is situated, which notice shall be inserted three times, the first not more than five months and the last time not less than three months before the time of redemption shall expire.

Notice by publication if land is vacant and owner cannot be found.

SEC. 65. Every such purchaser or assignee by himself or agent shall, before he shall be entitled to a deed, make an affidavit of his having complied with the conditions of the foregoing section, stating particularly the facts relied on as such compliance, which affidavit shall be presented to the person authorized by law to execute such tax deed, to be by such officer delivered to the register of deeds and entered on the records of his office, and carefully preserved among the files of his office, and which record or affidavit shall be *prima facie* evidence that such notice had been given. Any person swearing falsely in such affidavit shall be deemed guilty of perjury and punished accordingly. The register shall be entitled to the same fee therefor as allowed by law for recording deeds.

Purchaser to make affidavit before entitled to deed.

To whom affidavit presented.

Affidavit to be recorded and filed.

Record or affidavit *prima facie* evidence.

Perjury.
Fees of register.

SEC. 66. In case any person shall be compelled to publish such notice in a newspaper, then, before any person who may have a right to redeem such land or lots from such sale shall be permitted to redeem, he shall pay the officer or person who by law is authorized to receive such redemption money the amount paid for printers fee for publishing such notice, for the use of the person compelled to publish such notice as aforesaid. The fee for such publication shall not exceed three dollars for such tract or lot contained in such notice.

Cost of publication to be paid by person redeeming.

Cost limited to three dollars.

SEC. 67. 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

When deed to be made to purchaser.

Proof of lost certificate.

Proviso:
If Sheriff making sale die his successor to execute deed.

Proviso :
Conditions com-
plied with.

Conditions not
required when
county is pur-
chaser.

Deed to be
recorded and to
vest title in
grantee.

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 then in office shall be the proper person to execute a deed or conveyance to the person entitled to the same: *Provided*, that all the conditions of sections sixty-four (64), sixty-five (65), and sixty-six (66) of this act shall have been fully complied with. The conditions of sections sixty-four (64), sixty-five (65) and sixty-six (66), shall not be required when any county shall become the purchaser.

SEC. 68. The deed so made by the sheriff shall be recorded in the same manner as other conveyances of real estate, and shall vest in the grantee, his heirs and assigns, the title of the property therein described without further acknowledgment or evidence of such conveyance, and said conveyance shall be substantially in the following form :

Form of deed.

STATE OF NORTH CAROLINA, COUNTY.

WHEREAS, at a sale of real estate for the non-payment of taxes, made in the county aforesaid, on the day 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.

Deeds presump-
tive evidence :

That the prop-
erty was subject
to taxation.

That taxes were
not paid before
sale.

SEC. 69. Deeds made by the sheriff as aforesaid shall be presumptive evidence in all courts of this State in all controversies and suits in relation to the rights of the purchaser, his heirs or assigns, to the lands thereby conveyed of the following facts :

(1) That the real property conveyed was subject to taxation for the year or years stated in the deed.

(2) That the taxes were not paid at any time before the sale

(3) That the real property conveyed had not been redeemed from the sale at the date of the deed.

(4) That the property had been listed and assessed.

(5) That the taxes were levied according to law.

(6) That the property was sold for taxes as stated in the deed.

(7) That notice had been served and due publication had before the time of redemption had expired.

And it shall be conclusive evidence of the following facts :

(8) That the manner in which the listing, assessment, levy and sale were conducted was in all respects as the law directed.

(9) That the grantee named in the deed was the purchaser or his assignee.

(10) That all the prerequisites of the law were complied with by all the officers who had or whose duty it was to have had any part or action in any transaction relating to or affecting the title conveyed or purporting to be conveyed by the deed, from the listing and valuation of the property up to the execution of the deed, both inclusive, and that all things whatsoever required by law to make a good and valid sale and to vest the title in the purchaser were done, except in regard to the points named in this section, wherein the deed shall be presumptive evidence only. And in all controversies and suits involving the title of real property claimed and held under and by virtue of a deed made substantially as aforesaid by the sheriff, the person claiming title adverse to the title conveyed by such deed shall be required to prove, in order to defeat the said title, either that the said real property was not subject to taxation for the year or years named in the deed, that the taxes had been paid before the sale, that the property had been redeemed from the sale according to the provisions of this act, and that such redemption was had or made for the use and benefit of persons having the right of redemption under the laws of this state, or that there had been an entire omission to list or assess the property, or to levy the taxes, or to sell the property ; but no person shall be permitted to question the title acquired by a sheriff's deed without first showing that he or the person under whom he claims title had title to the property at the time of the sale, and that all taxes due upon the property have been paid by such person or the person under whom he claims title as aforesaid : *Provided*, that in any case where a person has paid his taxes, and through mistake in the entry made in the sheriff's books, or in the receipts, the land upon which the taxes were paid was afterwards sold, the sheriff's deed shall not convey the title : *Provided, further*, that in all cases where the owner of lands sold for taxes shall resist the validity of such tax title,

That property had not been redeemed.

That property had been listed and assessed.

That taxes were levied according to law.

That the property was sold.

That notice had been served and due publication had.

Conclusive evidence.

That listing, assessment, levy and sale were conducted as law directed.

That the grantee was purchaser or assignee.

That all prerequisites of law were complied with by all officers concerned.

What persons claiming adverse title must prove.

Proviso :
If land sold by mistake, title not to pass.

Proviso :
Fraud may be alleged,

and if fraud established sale to be void.

If land sold by mistake county to hold purchaser harmless.

Liability of Sheriff or other officer.

County allowed for State taxes repaid to purchaser.

Sheriff to enter erroneous sales on sale book.

Purchase money refunded.

When action for recovery to be brought.

Proviso : Persons under disability.

Officers *de facto*.

such owner may prove fraud committed by the officer selling the same, or in the purchaser, to defeat the same, and if fraud is established such sale and title shall be void.

SEC. 70. 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 of their official bond ; or the purchaser or his assignee may recover directly of the sheriff or other officer in an action brought to recover the same in any court having jurisdiction of the amount, and judgment shall be against him and his bondsmen, but the sheriff or other officer and their bondsmen shall be liable only for their own and deputies' acts, and any amount so paid by the county for state taxes shall, on proper certificate from the chairman of the board of county commissioners, be allowed by the auditor and paid by the state treasurer.

SEC. 71. 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 purchase money shall be refunded to the purchaser as provided by this act.

SEC. 72. No action for the recovery of real property sold for the non-payment of taxes shall lie unless the same be brought within three years after the sheriff's deed is made as above provided : *Provided*, that where the owner of such real property sold as aforesaid at the time of such sale be a minor or insane, or convict in the penitentiary, or under any other legal disability, three years after such disability shall be removed shall be allowed such person, his heirs or legal representatives, to bring action.

SEC. 73. In all suits and controversies involving the question of title to real property held under and by virtue of a sheriff's deed, all acts of assessors, sheriffs, clerks, supervisors, commissioners and other officers *de facto* shall be deemed and construed to be of the same validity as acts of officers *de jure*.

SEC. 74. No sale of real property for taxes shall be considered void on account of the same having been charged in any other name than that of a rightful owner, if the said property be in other respects sufficiently described.

Sale not void for error in name of owner if land sufficiently described.

SEC. 75. The books and records belonging to the officers 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.

What sufficient evidence to prove sale for taxes—redemption of property or payment of taxes.

SEC. 76. Irregularities in making assessments, and in making the returns thereof in the equalization of property as now provided by law, shall not invalidate the sale of any real estate when sold by the sheriff for delinquent taxes due thereon, nor in any manner invalidate the tax levied on any property or charged against any person.

Irregularities in making assessments and returns not to invalidate sales or tax levied.

SEC. 77. 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

What deemed irregularities.

Defective or indefinite description may be cured by deed.

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.

If corporation fail to pay tax, Sheriff may attach money of same in hands of officers and agents.

SEC. 78. 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 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.

Failure of officer or agents to pay over, a misdemeanor. Penalty. Corporation delinquent six months charter forfeited and receiver appointed.

When injunction granted against collection of taxes.

SEC. 79. No injunction shall be granted by any court or judge in the state to restrain the collection of any tax or any part thereof hereafter levied, nor to restrain the sale of any property for the non-payment of any such tax, except such tax or the part thereof enjoined be levied or assessed for an illegal or unauthorized purpose, or be illegal or invalid, or the assessment be illegal or invalid, nor shall any person be permitted to recover by claim and delivery, or other process, any property taken or distrained by the sheriff or any tax collector for the non-payment of any tax, except such tax be levied or assessed for an illegal or unauthorized purpose; but in every case the person or persons claiming any tax or any part thereof to be for any reason invalid, or that the valuation of the property is

Recovery of property distrained for taxes.

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 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 taxes overpaid or declared invalid certified by the clerk and refunded by the state treasurer.

SEC. 80. 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 in to the proper treasurer. 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.

SEC. 81. Whenever it shall appear from the returns of the sheriff that any person charged with taxes on personalty has removed out of the county or has deceased and left no property out of which taxes can be made, or if from any other cause it be impossible to collect such taxes, it shall be the duty of the county commissioners to cause the same, after the expiration of two years, in which time the sheriff shall use due diligence to collect the same, to be stricken from the tax list, and the clerk of the board of county commissioners shall certify the amount due the State so stricken off to the auditor, who shall credit the county therewith for taxes due the State, and upon his warrant the same shall be paid by the State treasurer.

SEC. 82. 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

Demand for return of taxes paid.

Suit for return of taxes.

County and municipal authorities not to release, discharge, remit or commute taxes.

Liability of such authorities.

Authorities may refund taxes where authorized by law and equalize taxes.

Uncollectable taxes on personal property stricken from tax list.

Clerk of Commissioners to certify amount of State tax stricken off.

Auditor to credit amount to county and State Treasurer to pay same.

City or town collectors not to discount orders.

Discounted orders not allowed in settlement.

Forfeiture of amount of discounted warrant.

Owner of certificate of tax sale assignee of liens for taxes.

How lien may be foreclosed.

More than one certificate may be included in one action.

Each certificate a separate cause of action.

Proviso : Notice to be given to occupant or owner of land.

When deed to be demanded or action brought.

Plaintiff recovering entitled to interest.

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.

SEC. 83. 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.

SEC. 84. 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 sub-divisions thereof.

SEC. 85. 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.

DEFINITIONS.

SEC. 86. 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 :

(1) Bank, banker, broker, stock jobber—whoever has money employed in the business of dealing in coin, notes or bills of exchange, or in any business of dealing in or buying or selling any kind of bills of exchange, checks, drafts, bank notes, promissory notes, bonds, warrants or other writing obligatory, or stocks of any kind or description whatsoever, or receiving money on deposit.

Definition of terms used in act.

Bank, banker, broker, stock jobber.

(2) Collector, collectors—county and deputy collectors, including sheriffs.

Collector, collectors.

(3) List-takers and assessors—have all authority conferred upon list-takers in this act.

List-takers and assessors.

(4) Credits—every claim or demand for money, labor, interest of valuable things due or to become due, including money on deposit.

Credits.

(5) He—male, female, company, corporation, firm, society, “He.” singular or plural number.

(6) Real property, real estate, land tract, lot—not only the land itself, whether laid out in town or city lots or otherwise, with all things contained therein, but also all buildings, structures and improvements, and other permanent fixtures of 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.

Real property, real estate, land, tract, lot.

(7) Shares of stock, shares of capital stock—the shares into which the capital stock of every incorporated company or association may be divided.

Shares of stock, shares of capital stock.

(8) Tax, taxes—any taxes, special assessments or costs, interest or penalty imposed upon property.

Tax, taxes.

MISTAKES IN ASSESSMENTS.

SEC. 87. 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

Commissioners may correct errors on assessment rolls.

Order to person to be affected.

How notice served.

If sufficient cause not shown, correction to be made.

When proceeding to correct error to be instituted.

cause, at a day to be therein appointed, why the error shall not be corrected or omission supplied and his name and the property be entered on the tax-list. Such order shall be served upon the party or posted upon the property thirty days before the day appointed therein for showing cause. If no cause or no sufficient cause be shown to the contrary, the commissioners shall assess such property and order such error corrected or omission supplied, and the name of the person and description of the property entered on the tax-list, and the tax shall be collected as in other cases; but proceedings to correct such error or supply such omission must be instituted within six months from the time the taxes would, if regularly assessed, have become delinquent.

PURCHASE AT TAX SALE BY MUNICIPAL OFFICERS.

Commissioners to purchase real estate sold for taxes for use of county.

Certificates to issue in name of county.

Certificates to remain in custody of Sheriff and may be assigned.

Rate at which certificates may be sold.

How and when assignment made.

Sale of two or more certificates.

Proviso:
Lots in city, town or village.

SEC. 88. 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.

SEC. 89. 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 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.

SEC. 90. 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 the city or town by the sheriff when a certificate for the same tract or lot has been issued to the county commissioners.

Real estate in city or town
Mayor may purchase for use of town.

Mayor may assign certificates.

Certificate not to issue to city when one has been issued to county.

SEC. 91. 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.

Settlement of State taxes on land purchased by county.

Property not selling for full amount of tax, Sheriff to be charged proportionately.

SEC. 92. 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.

Rate at which certificates issued to city may be sold.

FORECLOSURE OF TAX LIENS BY COUNTY COMMISSIONERS.

SEC. 93. That in all cases whenever the county commissioners of any county in this state have purchased or shall hereafter

When action for enforcement of lien of county to be brought.

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 commissioners may, if they deem best, purchase in the name of their respective counties such real estate.

Real estate may be bought by county.

How assignees of certificates may foreclose.

Who may purchase at foreclosure sale.

SEC. 94. That any assignee of such tax certificate or tax lien may foreclose the same in the same manner and with like effect as in cases where such county commissioners may, under the provisions of this act, proceed to foreclose the same, and any person whosoever may purchase real estate at such foreclosure sale.

FORECLOSURE OF TAX LIENS BY OWNERS OF CERTIFICATES.

How tax liens may be enforced.

SEC. 95. 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.

Who may foreclose.

SEC. 96. 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 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.

When proceeding to be brought.

Proviso: Taking out tax deed not to interfere.

PROVISIONS FOR COLLECTING TAX AND BY WHOM TO BE PAID.

Tax on railroads a perpetual lien on certain property.

SEC. 97. 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

Lien to attach on June 1st.

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 taxes assessed against said railroad company in the several counties in this State.

SEC. 98. The property mentioned in the preceding section is hereby declared to be personal for the purpose of taxation and collection of the same.

Property deemed personal for purposes of taxation.

SEC. 99. Any person who shall remove personal property or cause the same to be removed from the precinct of his or her residence or usual place of use or business or place of keeping or deposit of the same for the purpose of avoiding listment of said personal property for taxation, or any person who shall fail or refuse to list such personal property as required by law when the same shall be temporarily removed from the precinct, place of residence of the owner or other place where the same shall usually be kept or used, said owner or agent of said owner, or either of them, or in case of a corporation the manager or other person in charge or possession of such property shall, on conviction, be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Penalty on person removing property to avoid listing same or failing to list property removed.

SEC. 100. 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.

Words "person" and "his or her" embrace corporations when applicable.

SEC. 101. 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.

Persons seized for life or having care of lands, liable for tax.

SEC. 102. 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.

Tenant for life allowing land to be sold for tax, to forfeit estate.

Remainderman or reversioner may redeem.

Liability of life tenant in damages.

Person having
lien on lands
may pay tax and
have lien for
same.

Action for
moneys paid.

Payment of part
tax on land held
in joint tenancy.

Partners paying
tax to hold free
from residue of
tax.

Partner not
having paid held
for residue of
tax as if parti-
tion were had
before tax levied.

Tax paid
from proceeds of
sale where land
sold under judi-
cial proceedings.
Part owner
paying whole tax
to have lien on
shares of
co-tenants.

SEC. 103. 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.

SEC. 104. In all cases where any tract of land may be owned by two or more persons as joint tenants, as co-partners 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 has or shall be made between them, the tax or tax penalty paid as aforesaid shall be deemed to have paid or 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.

SHERIFF TO KEEP RECORD—SETTLEMENT OF TAXES.

SEC. 105. Every sheriff shall keep a record of the taxes collected by him from the clerk of the court, register of deeds, and under schedule "B" of the revenue act, and all forfeitures, arrears from insolvents, double taxes and taxes on unlisted subjects, and on the first Monday in December in each year shall deliver, on oath, to the board of commissioners a statement setting forth all sums received to that date not previously accounted for, the date of such receipts, the person from whom received, the amount received from each person, the subjects on which received and the aggregate amounts, accompanied by an affidavit taken and subscribed before the clerk of the commissioners, and attested by him that the statement is correct, and that no receipts have been omitted, and the clerk shall record the same in a book to be kept for that purpose, and shall, by the second Monday in December, send an abstract of such statement, with the affidavit, to the auditor of the state, on a blank to be furnished by the auditor, register the same in a book kept in his office for the purpose, and keep a copy of the same in a conspicuous place in the courthouse until the first of January next ensuing.

Sheriff to keep record of certain taxes.

Sheriff to render sworn statement.

What statement shall set forth.

Statement attested by Clerk of Commissioners.

Statement recorded.

Abstract to be sent to Auditor.

Copy to be posted.

SEC. 106. 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

When State tax to be settled and paid.

Commissioners to report to Auditor.

Sheriff making settlement to file duplicate list.

What Sheriff to be charged with.

Auditor to give certificates to Sheriffs.

Sheriff to deposit certificate.	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.
What deducted from tax.	SEC. 107. The auditor, in making the settlement of the amount due from the sheriff or tax collector aforesaid, shall deduct from the list return.
Taxes certified to be insolvent and uncollectible.	(1) Taxes on personal property certified by the clerk of the commissioners of the county, by order of the commissioners, to be insolvent and uncollectible.
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.
Commission.	(3) Five per centum of commission on the amount collected.
Per diem and mileage of Sheriff.	SEC. 108. 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 court house 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.
To be paid on warrant of Auditor.	SEC. 109. 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 pro-
Duty of Auditor in case of failure of Sheriff to settle.	
Duty of Treasurer in case Sheriff fail to pay.	
Summary proceedings for collection.	
Clerk of Superior Court to furnish Auditor with copy of bond.	
Penalty on Clerk for failure.	
Auditor to collect penalty.	

vided 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.

SEC. 110. 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 two 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 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. 111. 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. 112. The sheriff or tax collector shall be charged with the sums appearing by the tax lists as due for the county taxes, and shall be allowed to deduct therefrom, in like manner as is prescribed in this act in regard to his settlement of state taxes, all insolvents and uncollectible poll-taxes, and also the amount of county tax on the lands bid off by the county, and costs and fees, which shall be: For making a deed, fifty cents; for registering, twenty-five cents, and such other necessary sums as were actually paid by the sheriff: *Provided*, a majority of any board of county commissioners may extend the time for the collection and settlement of the county taxes in the respective counties to such time as they may deem expedient, not to extend

Sheriff or other accounting officer fraudulently or corruptly failing to account and settle, guilty of misdemeanor.

Penalty.

When funds to be paid to county treasurer.

Penalty for withholding funds.

Monthly statements under oath.

When settlement of county tax to be made.

Penalty.

Proviso: Commissioners may relieve of penalty.

Treasurer, with approval of Attorney-General, to grant indulgence and relinquish penalty.

May purchase property in behalf of State.

Sheriff charged with amount of county tax list and entitled to deductions as on State taxes. Further deductions.

Fees of Sheriff.

Proviso: Commissioners may extend time for collection and settlement of county taxes.

Proviso : Sheriff to present in settlement money actually collected.	beyond the first of May in the year following in which taxes were levied : <i>Provided</i> , 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 : <i>Provided, further</i> , 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.
Penalty.	
Proviso : Penalty on Sheriff, tax col- lector or county Treasurer using tax funds.	
Committee of commissioners to supervise set- tlement between Sheriff and county Treas- urer.	SEC. 113. The board of county commissioners, 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 <i>prima facie</i> evidence of their correctness, and impeachable only for fraud or special error : <i>Provided</i> , 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.
And to audit and settle accounts of county officers. Account reported, approved, filed and recorded.	
Proviso : Compensation of committee.	
Penalty on Sheriff failing to account.	SEC. 114. 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
Action to be brought against Sheriff and bond.	
Criminal liability in case of fraud.	

thereupon in like manner and with same penalties imposed for such criminal defalcation in section one hundred and eight of this act.

SEC. 115. 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.

Treasurer to notify other officers to attend for settlement.

Officer failing guilty of misdemeanor.

Accounts reported, approved, filed and audited.

SEC. 116. 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 perform the said office instead of the sheriff, and such tax collector shall collect all the taxes, have all 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.

Tax collector, when appointed, charged with duties and subject to liabilities of Sheriff.

SEC. 117. 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 tax payers 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.

If Sheriff die, sureties to collect and to have powers of Sheriff.

SEC. 118. 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.

Time within which tax must be collected.

Time for settlement not extended.

SEC. 119. 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.

Secretary of State to distribute act.

SEC. 120. 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.

Distribution to members of General Assembly.

SEC. 121. The state treasurer shall prepare and furnish to the board of commissioners of each county a sufficient number of

State Treasurer to prepare and

distribute blanks
for listing tax.

blank forms or lists, with the proper oath added thereto, on which each tax payer 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.

Repealing
clause.

Proviso:
What repeal
not to affect.

SEC. 122. 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. 123. That this act shall be in force from and after its ratification.

Ratified the 9th day of March, A. D. 1897.

CHAPTER 170.

An act to amend the charter of the Raleigh and Gaston railroad company.

The General Assembly of North Carolina do enact:

Directors may
change route and
tracks of road.

SECTION 1. That the directors of the Raleigh and Gaston railroad company may alter and change the route of said railroad and the tracks thereof for improvement of the same and for the greater safety of passengers, employees and freight transported over said railroad at such curves as they may deem it necessary to make straight: *Provided*, that the railroad commission shall approve of said change of track or route.

Maps and certifi-
cates of change
filed.

SEC. 2. That when said change of route shall have been effected the said directors shall cause to be made and filed in the office of the clerk of the superior court of the county such changes as may be made, survey, maps and certificates of such alterations or changes, and shall have the same right and power to acquire title to any lands required for the purposes of said company in such altered and changed route as if the railroad had been located there in the first instance, and the provisions of the law relative to the first location, and to acquiring title to land, shall apply to every such new and altered portion of said route.

Land may be
condemned for
change of route.

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

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

Ratified the 1st day of March, A. D. 1897.

CHAPTER 171.

An act to provide for additional equipment, repairs, improvements and support of the University of North Carolina.

WHEREAS, the constitution of the State, by section six, article nine, provides that the General Assembly shall have authority to provide for the maintenance and management of the University of North Carolina;

Preamble.

The General Assembly of North Carolina do enact :

SECTION 1. That for the purpose of procuring an adequate water supply for the health of the students and protection from fire, of repairing State property and supplying the absolute needs of the institution, there is hereby appropriated, in addition to the appropriation heretofore made, the annual sum of \$5,000 out of any moneys in the treasury not otherwise appropriated.

Five thousand dollars annually appropriated in addition to former appropriations.

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

Ratified the 27th day of February, A. D. 1897.

CHAPTER 172.

"An act to establish two new townships in Surry county."

The General Assembly of North Carolina do enact :

SECTION 1. That a new township be and is hereby created and erected in Surry county, and to be known as Granite township.

Granite township.

SEC. 2. That the boundary of said township shall be as follows: Beginning at M. D. Armfield's corner, north bank of Lovel's creek, thence down the said creek as it meanders to the bridge west of depot in Mount Airy, thence northeast with Pine street, and then a degree line to the Renfro spring, then still going northeast with the branch to J. E. Spaugh's foundry race, and with the race to Ararat river, and thence up the river to the mouth of Sandy Branch, and following the said branch to the Willis gaps public road, and with the said road and the Wards gap road going south and southwest to the northern limits of incorporation, and with said line to the said Lovel's creek going west, and south following the creek to the beginning point.

Township boundaries.

- Voting precinct. SEC. 3. That the voting precinct of said township shall be at the voting place in wards one and two of Mount Airy.
- Justices appointed. SEC. 4. That S. L. Gilmer, J. I. Belton, A. W. Dean, Jas. H. Sparger, J. A. Yokely and Samuel G. Pace are hereby appointed justices of the peace for said Granite township.
- Ararat township. SEC. 5. That a new township be and is hereby created in Surry county, and to be known as Ararat township.
- Township boundaries. SEC. 6. That the new township shall be bounded as follows, to-wit: Beginning at the bridge across Lovel's creek, and near depot of Cape Fear and Yadkin Valley Railroad, in Mount Airy, thence south and down the said creek as it meanders to Ararat river, thence north up the said river as it meanders to the mouth of the race of J. E. Spangh's foundry, and thence with the race to the north of Tan-yard branch, thence with the said branch to the Renfro spring, and then a degree line to Pine street, and thence with that street west to the bridge at Lovel's creek, the beginning point.
- Voting precinct. SEC. 7. That the voting precinct shall be as now fixed in the third and fourth wards of Mount Airy.
- Justices appointed. SEC. 8. That R. K. Marshall, W. E. Patterson, S. F. Calaway, W. R. Sanders, A. L. Sparger, John L. Worth, shall be and they are hereby appointed justices of the peace for said Ararat township.
- New registration. SEC. 9. That the board of commissioners of Surry county shall order a new registration at their meeting as now provided in general elections in the State, for new townships in the new boundary, and the registrars of Hamburg and Blue Ridge townships may erase the names of voters residing in the new townships from their poll books of said Hamburg and Blue Ridge townships.
- Names of voters in new townships erased from books of Hamburg and Blue Ridge townships.
- Township rights and privileges. SEC. 10. That the said townships named, shall have all the rights and privileges now granted to the townships, or that may be hereafter granted.
- Survey of township boundaries. SEC. 11. That should there be an error in the boundaries of the line, then the clerk of the superior court of Surry county is ordered to cause a survey of the lines and correctly locate the line of said townships by a competent surveyor.
- Mount Airy township abolished. SEC. 12. That the Mount Airy township is hereby dissolved, and all laws and clauses of laws in conflict with this act are hereby repealed.
- SEC. 13. That this act shall be in force from and after its ratification.
- Ratified the 27th day of February, A. D. 1897.

CHAPTER 173.

An act to amend chapter one hundred and thirty-four of the laws of one thousand eight hundred and eighty-five as applied to the counties of Ashe and Watauga.

The General Assembly of North Carolina do enact :

SECTION 1. That section three of chapter one hundred and thirty-four, laws of one thousand eight hundred and eighty-five (1885), be amended by adding at end of said section : *Provided*, that said road districts shall not contain more than twenty hands subject to road duty.

Road districts not to contain more than 20 road hands.

SEC. 2. That section five be amended by adding at the end of said section : *Provided*, that hands subject to road duty may be required to perform four days additional service in the making of new roads.

Four days extra service may be required of road hands in making new road.

SEC. 3. That section six be amended by striking out in line three the word "February," and insert in lieu thereof the word *May*, and in same line strike out the word first as it occurs after February and insert in lieu thereof the word last, and in fourth line strike out the word "December" and insert in lieu thereof the word April.

Roads worked at any time.

SEC. 4. That section eight be amended by striking out in line five the word "seven" and insert in lieu thereof the word eight, and add at the end of said section : *Provided*, that road hands be required to perform eight hours labor on roads per day.

Road hands to report at 8 o'clock.

Proviso : Eight hours' labor to constitute a day.

SEC. 5. That section nineteen be amended by striking out in line four the words "one dollar" and insert in lieu thereof the words "sixty cents."

Sixty cents allowed for day's work in lieu of tax.

SEC. 6. That section twenty-four of said act be stricken out and the following substituted in lieu therefor : That for superintending labor in payment of taxes, or labor otherwise employed, each supervisor shall receive one dollar per day for the time actually employed under the direction of township board of trustees: *Provided*, that no supervisor shall receive compensation for more than four days' service for any one year under the provisions of this act.

Compensation of supervisor.

Proviso : Not to be paid for more than four days.

SEC. 7. That it shall be the duty of the county commissioners of Ashe and Watauga counties to furnish the supervisors of each township a certified list of all insolvent tax payers in said townships, together with the amount due from each, and when each supervisor shall have been furnished with a list of insolvent

Insolvent tax payers to be worked on roads.

tax payers in his road district he shall proceed to warn said insolvent tax payers in the same manner as other hands are warned to work on public roads.

Rate of allowance for road work.
Supervisor to receipt for each day's work.

Said insolvent tax payers to be entitled to a credit on their tax receipts at the rate of sixty cents per day until said tax is fully paid. It shall be the duty of the supervisor to receipt each insolvent tax payer for every day he works until his entire tax is paid, and on presenting his receipts to the sheriff or tax collector, equal in amount to the tax charged against him, said insolvent tax payer shall be entitled to his tax receipts.

Misdemeanor.

SEC. 8. Any person failing or refusing to comply with the provisions of section seven of this act, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than ten dollars, or imprisoned not more than thirty days, or both, at the discretion of the court.

Penalty.

Supervisors to prosecute.

The supervisors of each road district shall prosecute any person or persons refusing to comply with the provisions of said section seven of this act in the same manner that other road hands are prosecuted.

When act in force and to what counties applicable.

SEC. 9. That this act shall be in force from and after the first day of May, one thousand eight hundred and ninety-seven (1897), and shall apply only to the counties of Ashe and Watauga.

Ratified the 27th day of February, A. D. 1897.

CHAPTER 174.

An act for a free ferry across Roanoke river at Halifax.

The General Assembly of North Carolina do enact:

Citizens of Halifax and Northampton to have free passage across penitentiary ferry.

SECTION 1. That the penitentiary authorities in control of the State farm in Northampton county, and operating the public ferry across the Roanoke river at Halifax, shall furnish free ferriage to the citizens of Halifax and Northampton counties so long as they have control of said ferry.

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

Ratified the 1st day of March, A. D. 1897.

CHAPTER 175.

An act to establish a system of working the public roads in Vance county.

The General Assembly of North Carolina do enact :

SECTION 1. That the county commissioners of Vance county are hereby authorized and directed to levy a special tax for the purpose of raising a fund to be known as a public road fund for Vance county : *Provided*, that said commissioners shall first submit the question of "taxation" or "no taxation," to the qualified voters of different townships of the county of Vance, by townships, on the first Tuesday in July (1897), one thousand eight hundred and ninety-seven, at the regular polling places in said county, under the rules governing said elections for members of the General Assembly : *Provided*, that the clerk of the superior court be empowered to appoint the registrars and judges to hold said election for "taxation" or "no taxation" for working the public roads in Vance county, and that the registration books used at last State and county elections be the registration books for said election ; and *Provided, further*, that this amendment shall convey the following meaning, that the general election law of North Carolina be not complied with so far as the appointing of three registrars and judges of election, and that the registrars shall keep the books open at the precincts on the two last Saturdays next preceding the election, and at no other time, challenges and hearing of the same to be made on the last named Saturday, and the penalties for fraudulent registering and voting in said election shall be the same as in other State and county elections.

SEC. 2. That in case a majority of the qualified voters of any townships in Vance county shall vote for "taxation," then the county commissioners of said county shall levy a special tax of not more than (15c.) fifteen cents on the one hundred (\$100.00) dollars worth of property and forty-five (45) cents on the taxable polls, to be collected by the sheriff of the county in the same manner as other taxes are collected by him, and shall be paid over to the county treasurer, and shall be held by the treasurer separately as a road fund to the credit of the township or townships which voted for the same, and shall receive a compensation for holding and paying out said funds the same as the law now allows for similar services, and shall give a bond in addition to his regular bond sufficient to cover the amount of special assessment.

Special tax for road fund authorized.

Proviso : Election to be held by townships.

Proviso : Clerk of Superior Court to appoint registrars and judges.

Proviso : Exceptions to general election law.

Special tax to be levied in townships voting for same.

Limitation.

To be credited to road fund of township in which levied. Compensation of county Treasurer.

Road districts to be numbered.

SEC. 3. That all the public roads lying in and running through any township in Vance county shall be known as "public road district" Number —, to be numbered by the commissioners.

District manager for each road district.

SEC. 4. That for each and every township or district there shall be appointed annually by the board of commissioners one citizen of said township to be known as "district manager" of roads in district Number —, at their regular meeting in July.

Inspector of roads for county to be appointed.

SEC. 5. It shall be the duty of said board at their regular meeting in July of each year to appoint one citizen of the county, who shall be qualified for the duties required of him as general inspector of roads, whose duty it shall be to have a general oversight of all the public roads of the county once in every three months in the year, and shall report the conditions of the roads to the commissioners, and also to the district manager of said road, with instructions relative thereto.

Duty of inspector.

Inspector to order immediate repairs when needed.

SEC. 6. If in the judgment of the general inspector of roads, any portion of any particular road may need immediate attention, it shall be the duty of the district manager of such road to go at his earliest convenience and repair the same.

District manager neglecting duty, removed.

SEC. 7. That any district manager who wilfully neglects such duty, after having the proper information concerning the same, from the general inspector for five days, may be removed by the commissioners: *Provided*, that he shall not be required to make report in the stated time when prevented by high waters or other unavoidable causes.

Proviso: Excused when prevented by unavoidable causes.

Compensation of district managers.

SEC. 8 That said district managers shall receive a compensation for their services not to exceed twenty (\$20.00) dollars per month for the time actually engaged in working such roads and shall have power to employ such labor to work on said road as in his judgment is necessary to prosecute the work: *Provided*, that the cost of such labor shall not cost more than one (\$1 00) dollar per day: *Provided, further*, that each laborer shall receive the same compensation per day for the same kind of service rendered.

May employ labor on roads.

Proviso: Pay of laborer not to exceed \$1 per day.

Proviso: All laborers paid equally.

Statements of district managers.

SEC. 9. The district manager shall keep and present to the board of commissioners at their regular meeting in each month an itemized statement of the name of the laborers, the date of their service and amount paid each; also shall at the same time present the amount of service rendered by himself during the month, and shall present a sworn affidavit with the same.

Person making fraudulent affidavit guilty of misdemeanor.

SEC. 10. Any officer named in this act, who shall fraudulently make such affidavit, shall be guilty of a misdemeanor, and on

conviction or confession shall be removed from office, and shall be fined twenty (\$20.00) dollars or imprisoned for thirty (30) days in the county jail. Penalty.

SEC. 11. That the board of commissioners shall cause an order to be drawn on the treasurer of the county to pay the working of said road upon the application of the district manager, not oftener than once in each week, which order shall be signed by the chairman and clerk of said board (register of deeds). Commissioners to make orders for payment of labor.

SEC. 12. The said general inspector shall receive the amount of three (§3) dollars per day for a term not to exceed eight days in any three months of the year: *Provided*, that he be required first to present a sworn statement to the board that such service has been rendered. Compensation of inspector.

SEC. 13. That a majority of the commissioners shall constitute a quorum for the carrying out the intents of this act, and that any and all laws and parts of laws in conflict with this act are hereby repealed. Quorum of commissioners.

SEC. 14. That this act shall only apply to Vance county. Applies to Vance county only.

SEC. 15. That this act shall be in force from and after the first Monday in June, one thousand eight hundred and ninety-seven (1897). When act in force.

Ratified the 1st day of March, A. D. 1897.

CHAPTER 176.

An act to authorize the commissioners of Madison county to build a bridge across Ivy creek at or near its mouth.

The General Assembly of North Carolina do enact:

SECTION 1. That the commissioners of Madison county shall construct a good single track, wooden bridge across Ivy creek, near the mouth of said creek, where it empties into the French Broad river, said bridge to be used by the public in crossing said creek with wagons, other vehicles, horses and footmen. Commissioners shall construct bridge.

SEC. 2. The county commissioners of Madison county are hereby directed and compelled to levy a tax on the property and poll of all the citizens and property owners in township No. one (1) in said county of Madison, said levy not to exceed fifteen cents on the one hundred (\$100.00) dollars' worth of property, and twenty-five cents on each poll. Commissioners directed and compelled to levy special tax on township. Limitation.

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

Ratified the 1st day of March, A. D. 1897.

CHAPTER 177.

An act to create a public road in Caswell county.

The General Assembly of North Carolina do enact:

Road declared
"public."

SECTION 1. That so much of the road known as the Mayfield and Danville road leading from Mayfield, in Rockingham county, to Danville, in the State of Virginia, as runs through the county of Caswell, be and the same is hereby declared to be a public road.

Jury for assess-
ment of dam-
ages.

SEC. 2. That the county commissioners of Caswell county shall at their regular meeting on the first Monday in April, eighteen hundred and ninety-seven, appoint a jury of three free-holders whose duty it shall be to go over said road within thirty days from their appointment and assess such damage as may be sustained by the owner of any property along said road, taking into consideration any benefits that may arise from said road.

Jury to report at
May meeting of
county Commis-
sioners.
Damages
assessed shall be
allowed by com-
missioners.

SEC. 3. That said jury shall report their proceedings to the said county commissioners at the May meeting of said board, and such damage, if any, as may be assessed by said jury shall be allowed by said boards of county commissioners. The chairman of said board of county commissioners shall within ten days after the coming of the report of the said jury notify the road supervisors of Pelham township in said county of Caswell, and it is hereby made their duty to appoint an overseer for said road and assign him hands. Said overseer shall proceed at once to open said road, and keep the same in good condition under the same pains and penalties as are prescribed for other road overseers in Caswell county.

Overseer to be
appointed and
hands assigned.

Overseer to open
road.

Person failing to
perform any
duty enjoined,
guilty of misde-
meanor.
Penalty.

SEC. 4. That if any person or persons shall fail or refuse to perform any duty enjoined on him or them by this act for the space of thirty days, he or they shall be guilty of a misdemeanor, and upon conviction thereof shall be fined at the discretion of the court.

Appeal from
report of jury for
assessment of
damages.

SEC. 5. That if upon the coming in of the report of the afore-said jury and the confirmation of their report by the county commissioners any person dissatisfied may appeal to the court in term time and have the question of the adequacy of such damage passed on by a jury.

SEC. 6. That all laws and clauses of laws in conflict with this act are hereby repealed, so far only as this act is concerned.

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

Ratified the 1st day of March, A. D. 1897.

CHAPTER 178.

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

SECTION 1. That the board of county commissioners of Transylvania county are hereby authorized and empowered at their regular annual meetings in June, one thousand eight hundred and ninety-seven (1897) and one thousand eight hundred and ninety-eight (1898) to levy a special tax for the purpose of discharging and paying the general county indebtedness. That in levying the said tax, the constitutional equation between property and poll shall be observed, and the tax shall not exceed in either of said years the rate of twenty-five cents on every hundred dollars worth of property and seventy-five cents on each poll subject to taxation.

Special tax authorized.

Purpose of tax.

Limitation.

SEC. 2. That said special tax shall be collected and accounted for by the sheriff or other collecting officer in the same manner, and under the same penalties, and at the same time other taxes are collected and accounted for by him.

To be collected and accounted for as other taxes.

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

Ratified the 1st day of March, A. D. 1897.

CHAPTER 179.

An act to establish graded public schools in the city of Hickory.*The General Assembly of North Carolina do enact :*

SECTION 1. That for the purposes and benefits of this act, the territory embraced within the present corporate limits of the city of Hickory, Catawba county, shall be, and is hereby constituted a public school district for both white and colored children, to be known as "The Hickory Graded School District."

The Hickory Graded School District established.

SEC. 2. That the graded public school in said district shall be, from and after the ratification of this act, under the control of a board of school trustees composed of six (6) members; that P. C. Hall, G. H. Geitner, and T. A. Witherspoon, the present public school committee under the general law, are hereby

Board of school trustees named.

Term of three members to expire in 1898. Vacancies filled at regular municipal election.

Term of trustees elected.

Thereafter three trustees elected annually. Other vacancies filled by board of aldermen.

Trustees incorporated. Corporate name.

Corporate powers.

Trustees to have control of graded public schools and public school property.

Officers and teachers.

School census.

Proviso: Children resident of Hickory admitted free of tuition.

Pay students.

Trustees to elect treasurer of public school funds.

Apportionment to public schools to inure to graded schools.

To be paid to treasurer of school fund.

appointed three (3) members of said board, their terms of office to expire on the first Monday in May, 1898, and the three (3) vacancies in said board shall be filled by the qualified voters of the city of Hickory, at the regular municipal election held on the first Monday in May, 1897, said election to be held in all respects as provided for the election of three aldermen for said city, and the trustees so chosen to hold office for the term of two years.

At each annual municipal election thereafter, three (3) school trustees shall be so elected for the term of two (2) years, to fill the places of the three (3) retiring members; any other vacancy on said board shall be filled by appointment of the board of city aldermen, until the next annual election.

SEC. 3. That the board of school trustees hereby created shall be a body politic and corporate by the name and style of "the board of trustees of the Hickory Graded School," and by that name shall be capable of receiving gifts and grants, purchasing and holding real and personal estate, selling, mortgaging and transferring the same for school purposes, and of prosecuting and defending suits for or against the corporation hereby created. Conveyances to said school trustees shall be to them and their successors in office.

SEC. 4. That the said board of trustees shall have entire and exclusive control of the graded public schools, and all public school property in the city of Hickory, and 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 annually, subject to removal by said board; shall make an accurate census of the school population of the city, as required by the general law of the state, and do all other lawful acts proper to the management of the public school interests of the city: *Provided*, that all children resident in the city of Hickory between the ages of six (6) and twenty-one (21) years shall be admitted into said schools free of tuition charges, and those desiring to be admitted as pay students may be admitted upon such terms as the board may direct

SEC. 5. That said board of school trustees shall annually elect one of their number treasurer and custodian of all public school funds, and the public school money derived from the state for the benefit of said school district, and all money collected within the said district, from year to year, as county school tax, is hereby appropriated to and set apart for the use and benefit of said graded public schools, and the same, together with the money arising from any special tax, gift, grant, apportionment or otherwise shall be paid to and received by the treasurer of

said board of school trustees, and the said treasurer shall report monthly to said board his receipts and disbursements, with all vouchers for the same.

The moneys so received shall be held by the said treasurer as a fund, to be disbursed only upon the orders of the board, signed by its chairman and countersigned by its secretary. The said treasurer shall furnish annually to the board of aldermen a statement in writing of his receipts and disbursements of the school money, properly endorsed and approved by the chairman and secretary of the said school board. The bond required of said treasurer shall be fixed by the board of school trustees, in an amount sufficient to secure all school money which may at any time come into his hands.

Funds disbursed only on order of board.

Treasurer to report annually.

Treasurer's bond.

SEC. 6. That upon the written application of one hundred citizens of the city of Hickory it shall be the duty of the board of aldermen of said city to submit to the qualified voters, within three months after the filing of such petition, the question of levying an annual tax for the support of graded schools in said city, and they shall give thirty (30) days' notice of said election in some newspaper published in said city; said election shall be held in the same manner as is provided for the election of mayor and aldermen for said city, and at any time designated by said board of aldermen: *Provided*, that such election shall not be held oftener than once in any twelve months.

Question of tax for schools to be voted on.

How election held.

Proviso: Election only once a year.

SEC. 7. That an election held under the provisions of section five (5) of this act, those who favor the levying of such tax shall vote a written or printed ballot, with the words "For schools" upon it, and those opposed to levying such tax shall vote a written or printed ballot, with the words "Against schools" upon it, and if a majority of the qualified voters shall vote for such tax the same shall be levied and collected annually by the city authorities, under the same rules and regulations as are provided by law for levying and collecting all other city taxes in and for said city of Hickory: *Provided*, that the special taxes so levied and collected shall not exceed twenty cents on the hundred dollars' valuation of all the taxable property of said city, and upon the poll not exceeding sixty cents.

Ballots.

Tax levied and collected if majority so vote.

Proviso: Limitation.

SEC. 8. That the city tax collector shall be subject to the same liabilities for the collection and disbursement of said special tax as he may for other city taxes, and his compensation and bond shall be fixed by the board of aldermen.

Liability, compensation and bond of city tax collector.

SEC. 9. That the said board of school trustees shall apportion the money raised and received for educational purposes in the city of Hickory, as shall be just to the white and colored races, without discrimination to the prejudice of either race, due

Board of trustees to apportion school money.

regard being paid to the cost of keeping up and maintaining the schools for both races, separate schools to be provided for each race. If the number for either race, and the fund therefor, is insufficient to maintain a graded school, the fund may be applied for a public free school for said race under the control of said board.

Part of special tax may be used in purchasing sites and erecting buildings.

SEC. 10. That said board shall have power to appropriate and expend of the special tax fund, whenever levied, as heretofore provided, an amount not exceeding in any one year ten cents on the hundred dollars valuation of all property, and thirty cents upon the poll, for the purpose of purchasing sites, erecting buildings and furnishing the same in a manner suitable to the needs of said graded public schools.

Board of trustees to report annually.

SEC. 11. That said board shall make to the board of aldermen annually, at such time as is required under the school law of the state, a report containing an accurate census of the school population, and showing the work done, and money expended, on account of the graded or other public schools in the city of Hickory, a copy of which report shall be forwarded to the superintendent of public instruction in the state, and a copy to the county examiner for Catawba county. The beginning and ending of the school year shall be fixed by the board of trustees.

Copy of report to be forwarded to Superintendent of Public Instruction.

SEC. 12. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 13. That this act shall be in force from and after its ratification.

Ratified the 1st day of March, A. D. 1897.

CHAPTER 180.

An act to establish a dispensary for Bladen county.

The General Assembly of North Carolina do enact:

Unlawful to sell or manufacture liquors otherwise than allowed by this act.

Misdemeanor: Penalty.

County Commissioners to establish dispensaries.

SECTION 1. That it shall be unlawful for any person to sell or manufacture any spirituous or intoxicating liquors in Bladen county, except as is hereinafter provided, and any persons violating any of the provisions of this act shall be guilty of a misdemeanor, and fined or imprisoned at the discretion of the court.

SEC. 2. The board of county commissioners shall establish one or more dispensaries in said county, one in the town of Eliza-

bethtown, which shall be the county dispensary, and such others outside of the town of Elizabethtown as they deem proper.

SEC. 3. That the clerk of the superior court of said county shall appoint a manager for each dispensary established, who shall have charge of the same, under the supervision of the said county commissioners; said manager shall be required to give bond, payable to the chairman of the board of county commissioners, in such sum as the county commissioners may determine, not less than five hundred dollars, or more than one thousand dollars, conditioned to account for all moneys that may come into his hands, as such manager, and for the faithful performance of the duties of his office, as are prescribed in this act, and in the rules and regulations of said commissioners; and that manager shall receive such salary or compensation as may be fixed by said commissioners: *Provided*, his salary shall not be fixed or dependent on the amount of sales.

Managers for each dispensary appointed by Clerk of Superior Court.

Managers under supervision of county Commissioners.

Board of managers.

Salary of managers.

Proviso: Salary not dependent on amount of sales.

SEC. 4. The manager of said dispensary shall purchase all spirituous, vinous and malt liquors in such quantities as said commissioners may direct, and all debts incurred for the establishment and maintenance of said dispensary, and for the purchase of stock from time to time, shall be paid out of the county fund, upon order of said manager, approved by said commissioners, which amount shall be repaid into the county treasury by the profits of the dispensary.

Managers to purchase liquors.

SEC. 5. It shall be unlawful for said manager, or any employee of said manager or commissioners, to sell any of said liquors to any person, except for cash, or for a less amount than is prescribed by said commissioners.

Sales to be for cash.

Prices prescribed by commissioners.

SEC. 6. The said board of commissioners shall make, from time to time, rules and regulations for the operation of said dispensaries; the quantity to be sold to any one person shall be determined by them, but in no event shall wine or liquors be furnished in less quantities than one-half pint, and none shall be drunk in the building or on the premises where the dispensary is established. The dispensary shall not be opened before sunrise, and shall be closed by sunset election days, and such other days as said commissioners may deem necessary. Said manager shall be bound by all laws of this State, regulating the sale of liquors, and all regulations of said commissioners not in conflict with the laws of this State.

Commissioners to prescribe rules for dispensaries.

No liquor to be drunk on premises.

When dispensary closed.

Manager bound by State laws and regulations of Commissioners.

SEC. 7. The price at which spirituous, vinous and malt liquors shall be sold shall be fixed by said commissioners: *Provided*, that the same shall not be sold for a profit exceeding seventy-five per centum (75%) above the actual cost thereof.

Prices to be fixed by Commissioners.

Proviso: Profit not to exceed 75 per cent.

Manager to report monthly.

SEC. 8. Said manager shall make a monthly report to said board of commissioners, showing a detailed statement of all business done by said dispensary during the preceding month, together with an inventory of all stock on hand at the close of said preceding month.

Liquor not to be sold but in sealed packages.

No broken packages.

If original package broken, contents shall be bottled and sealed.

Packages labeled.

Persons selling liquor to dispensary to have packages labeled.

Inspection and analysis to be made.

SEC. 9. The manager of said dispensary shall sell to no person or persons any spirituous, vinous or malt liquors, except in sealed packages, and he shall not keep any broken packages in said dispensary, and when any original package is broken, it shall be at once bottled and sealed, and every package of liquor shall be labelled, showing the kind sold, the proof thereof, and the price of the same, and it shall be the duty of any person selling any liquors at said dispensary to have each and every package labelled accordingly.

SEC. 10. Said commissioners shall cause an inspection and analysis to be made of the stock on hand, from time to time, by a competent chemist, and no vinous or malt liquors shall be sold in said dispensary that are not well known in the market as pure and unadulterated; and the commissioners are required to have wine and malt liquors analyzed from time to time, to determine whether they are pure as represented. If any spirituous or malt liquors are condemned by the chemists making the analysis as impure and unwholesome, such liquors shall not be sold by said manager, and payment for the same shall be refused to the persons from whom such liquors were purchased.

Condemned liquor not to be sold nor paid for.

Unlawful to adulterate liquor of dispensary.

SEC. 11. It shall be unlawful for any person to adulterate, rectify or in any manner change the proof of any liquors belonging to said dispensary, and any person who shall be guilty of such shall be fined or imprisoned at the discretion of the court.

Penalty.

Manager not to allow loitering in or about the dispensary.

SEC. 12. The manager of the dispensary shall not allow any person or persons to loiter in or about the dispensary and the premises, and a failure to comply with this section he shall be removed from office by the commissioners; and any person refusing to leave the dispensary shall be subject to a fine not exceeding ten dollars (\$10.00).

Penalty on manager.

Penalty on person loitering.

Manager may employ clerks.

SEC. 13. The manager of the dispensary may, with the approval of the county commissioners, employ such clerical help as he shall need, and at such prices as said commissioners may determine.

No county officer appointed manager.

Managers and employees removable by county commissioners.

SEC. 14. No county officer shall be appointed manager of said dispensaries, and any person employed or appointed in the conduct of said dispensaries may be removed by the board of county commissioners for failure to comply with the provisions of this act, or the rules and regulations they may prescribe, or for other causes they may deem sufficient.

SEC. 15. The manager of said dispensaries shall, at the end of each month, pay over to the county treasurer all monies in his hands arising from sales of liquors in said dispensaries.

Manager to pay over receipts monthly.

The treasurer shall keep a separate account of same and report monthly to the board of county commissioners all monies paid him by said manager, and the said commissioners shall, after paying all expenses of said dispensaries, place all profits arising therefrom to the credit of the school fund of Bladen county.

Treasurer to keep separate account of dispensary receipts and report monthly. Dispensary profits applied to school fund.

SEC. 16. That it shall not be unlawful for the manufacturers of domestic wine or brandy to sell wines or brandies of his own manufacture: *Provided*, such wines or brandies are sold on the premises where made, and in quantities not less than a quart.

Domestic wines and brandy may be sold by manufacturers.

SEC. 17. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

Proviso: To be sold only on premises where manufactured and in quantities not less than quart.

SEC. 18. This act shall be in force from and after May the 3d, A. D. 1897.

Act when in force.

Ratified the 1st day of March, A. D., 1897.

CHAPTER 181.

An act to authorize the commissioners of Washington county to levy a special tax to build an iron bridge over the creek at Mackey's Ferry.

The General Assembly of North Carolina do enact:

SECTION 1. That the commissioners of Washington county, at their meeting in June next, in addition to the usual tax levied for said county, are hereby authorized and empowered to levy upon the polls and taxable property in said county a special tax, not to exceed ten cents on the one hundred dollars' valuation of the property and thirty cents on each poll in said county, to be applied to the building of an iron bridge over the creek at Mackey's ferry in said county.

Special tax authorized.

SEC. 2. That the sheriff and treasurer of said county shall be liable on their official bonds for the collection, safe-keeping and disbursement of the money collected under this act, in the same manner and to the same extent as they are now liable for collecting and accounting for state and county taxes.

Limitation.

Sheriff and Treasurer liable on official bonds.

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

Ratified the 1st day of March, A. D. 1897.

CHAPTER 182.

An act to amend chapter thirty-four of The Code of North Carolina.

The General Assembly of North Carolina do enact:

Unlawful for person other than licensed pharmacist to conduct pharmacy.

Qualifications of licentiate.

Licentiate on account of experience.

Board of pharmacy to license persons entitled.

Secretary to keep record of licentiates.

Fee for licensing.

Secretary paid by license fees.

Name of person adulterating or selling adulterated goods stricken from book of licentiates.

License to be renewed annually.

SECTION 1. That Section 3137 of *The Code* of North Carolina be amended by striking out the word "registered" in lines one, five and six of said section, and inserting in lieu thereof the word "licensed."

SEC. 2. That Section 3138 of *The Code* of North Carolina be amended by striking out the word "registered" in line one of said section, and inserting in lieu thereof the word "licensed."

SEC. 3. That Section 3139 of *The Code* of North Carolina be amended by striking out the word of "registration" in line one of said section and inserting in lieu thereof the words "to be licensed," and further amended by striking out the word "register" in line fifteen of said section and inserting in lieu thereof the word "license."

SEC. 4. That Section 3140 of *The Code* of North Carolina be amended by striking out the word "register" in line twenty-nine of said section and inserting in lieu thereof the word "license." That the said section be further amended by striking out the word "registration" in lines twenty-nine and thirty of said section and inserting in lieu thereof the words "be licensed."

SEC. 5. That Section 3141 of *The Code* of North Carolina be amended by striking out the word "registration" in line two of said section, and inserting in lieu thereof the word "licentiates," and the same shall be further amended by striking out the word "registration" in lines nine and ten of said section and inserting in lieu thereof the word "licensing," and the same shall be further amended by striking out the word "registration," in lines seventeen and eighteen of said section, and inserting in lieu thereof the word "license."

SEC. 6. That Section 3142 of *The Code* of North Carolina be amended by striking out the word "register" in line eleven of said section, and inserting in lieu thereof the words "book of licentiates," and the same shall be further amended by striking out the word "registered" in line eleven of the said section, and inserting in lieu thereof the word "licensed," and the same shall be further amended by striking out the word "registration" in line fifteen of said section, and inserting in lieu thereof the word "license," and the same shall be further amended by

striking out the words "certificate of registration in" lines sixteen and seventeen of said section and inserting in lieu thereof word "license," and the same shall be further amended by striking out all after the word "registration" in line seventeen of said section and inserting in lieu thereof the following, "Every licentiate in pharmacy" shall display in some conspicuous place in his store, or place of business, his license, which shall be *prima facie* evidence of his having been duly licensed by the board of pharmacy, and any licensed pharmacist failing to renew and display his license as required by this section, and continuing in the exercise of his profession shall be guilty of a misdemeanor.

License to be displayed.

Failure to renew and display, misdemeanor.

SEC. 7. That Section 3145 of *The Code* of North Carolina be amended by striking out the words "registered" in lines three four, five and eight of said section and inserting in lieu thereof the word "licensed."

Misdemeanor to permit compounding of medicines by persons not licensed.

SEC. 8. That section five of Chapter 24 of Laws of 1891, be amended by striking out the words, "the provisions of this act shall only apply to cities and towns of more than eight hundred inhabitants," in lines fourteen and fifteen of said section, and inserting in lieu thereof the following: That the provisions of this act shall not apply to practicing physicians in the towns of less than five hundred inhabitants.

Not to apply to practicing physicians in towns of less than 500 inhabitants.

SEC. 9. That this act shall be in force from and after its ratification.

Ratified the 1st day of March, A. D., 1897.

CHAPTER 183.

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

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Jackson county are hereby authorized and empowered at their regular meeting in June of [each] and every year after the passage of this act to levy a special tax upon property and polls in said county for the purpose of discharging the general indebtedness of said county: *Provided*, that said special taxes so levied shall be collected by the sheriff or tax collector at the same time the other taxes are collected in said county.

Special tax authorized.

Proviso:
To be collected as other taxes.

SEC. 2. That the amount of taxes levied under this act shall not in any year exceed twenty-five cents on the one hundred dollars' worth of property and fifty cents on the poll; and the

Limitation.

Proviso :
Tax only levied
for two years.

To be collected
and accounted
for as other
taxes.

constitutional equation between the property and the polls shall always be observed in making levies: *Provided*, that the commissioners of said county shall not levy said special tax for a longer period than two years.

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

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

Ratified the 1st day of March, A. D. 1897.

CHAPTER 184.

An act for the relief of Colin McArten, late sheriff of Harnett county.

Preamble.

WHEREAS, on the 15th day of October, 1892, the court house of Harnett county, with the records and papers in the offices of the clerk, sheriff and register of deeds were destroyed by fire; and

WHEREAS, it appears that the tax books for the years 1889, 1890 and 1891, as well as the copies of the same, were consumed therein; and

WHEREAS, it further appears that in consequence of such destruction of said books, Colin McArten, then sheriff of said county, has been unable, after diligent and persistent effort, to collect a balance of three hundred and twenty-one dollars and ninety-three cents of the state taxes listed upon said books, which sum has, however, been paid by the said Colin McArten into the state treasury, such payment having been made before the destructive fire, and has been unable, after diligent and persistent effort, to collect a balance of six hundred and forty-three dollars and eighty-two cents of the county and school taxes listed upon said books; and

WHEREAS, it appears that about nine-tenths of the said amounts were due upon the tax books for the year 1891; and

WHEREAS, the Commissioners of the said county of Harnett had failed to provide fire-proof vaults, safes or other receptacles for the preservation of the records and papers of the county; now, therefore,

The General Assembly of North Carolina do enact :

State Treasurer
to refund \$321.93.

SECTION 1. That the state treasurer refund to the said Colin McArten the said sum of three hundred and twenty-one dollars and ninety-three cents.

SEC. 2. That the commissioners of the said county of Harnett be authorized and directed to allow the said Colin McArten credit for the sum of six hundred and forty-three dollars and eighty-two cents in his final settlement with them as sheriff and tax collector: *Provided*, that he pay into the treasury of the county the costs and county attorney's fees of all litigation which may have ensued respecting this matter.

County Commissioners to credit \$643.82 in final settlement.

Proviso: Beneficiary of act to pay all costs.

Ratified the 1st day of March, A. D. 1897.

CHAPTER 185.

An act to amend the election law of North Carolina.

The General Assembly of North Carolina do enact:

That sections five, seven, eight, nine, sixteen, seventeen, eighteen, twenty, twenty-one, forty-two, seventy-one and seventy-two of an act entitled "an act to revise, amend and consolidate the election law," ratified on the eighth day of March, 1895, being Chapter 159 of the Public Laws of 1895, be amended as follows, the sections of this act being numbered to correspond with said sections of the act of 1895:

Sections amended.

SEC. 5. In line two, after the word "act" and before the word "established" insert "and as often thereafter as occasion may require."

Establishment of precincts.

SEC. 7. Strike out section seventh of said act and insert instead thereof the following as section seventh: That on or before the first Monday in September next preceding every election a county board, consisting of the clerk of the superior court, register of deeds and chairman of the county commissioners, in their respective counties, shall appoint 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 county board shall appoint 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;

County boards to appoint election officers.

Qualification of registrars.

Qualifications for judge of elections.

Precinct board of election.

Proviso :
Election officers to be sworn.

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 :

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.

Clerk to publish names of election officers and notify them.

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; and, in case of a failure of any judge to serve on the day of election, the chairman of the precinct board may appoint of the same political faith; but no person who is a candidate for office at any such election shall be an officer of election.

Clerk to fill vacancies.

Vacancy occurring on election day to be filled by chairman of precinct board.

No candidate to be officer of election.

Supervisory power of Judges of Supreme and Superior Courts over election officers.

Judge to issue rule on his own motion or complaint of elector.

That the judges of the supreme and superior courts shall exercise general supervisory power over the election officers provided for in the execution 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 such officers, 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 or they shall not perform and execute this act in any specified way so as to best give effect to the intent 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

Judge hearing rule to make necessary orders.

Rules to be heard summarily 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 such officers 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 officers shall forfeit their 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 court 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 *procedendo* or of prohibition, as may be necessary or proper to carry into execution the judgment or determination of the court.

The judges of the supreme and superior courts shall exercise supervision and control over the county board as to the appointments of registrars and judges of elections, and shall have the power upon the complaint of the chairman of either of the political parties of any county, or on the complaint of ten good citizens of any county, to remove any registrar or election officer

Appeal not to vacate order.

Officer or person failing or refusing to comply with order, guilty of contempt.

Penalty.

When decision of Judges conflict.

Chairman of a political party to present petition to Chief Justice or senior justice of Supreme Court.

What petition to set out.

Chief Justice or Senior Justice to call special session of Supreme Court.

In special session the question arising on petition to be determined without delay and to the exclusion of all other business.

Certified record to be exhibited with petition.

Supreme Court to certify the decision and make necessary orders.

Supervisory power of Judges of Supreme and Superior Courts over appointments of election officers.

May remove officer and appoint successor on complaint filed.

Plenary power over county board or any other election officers.

Removal by one Judge of officer appointed by another, a conflict of decision.

Plenary powers of Supreme Court.

Compensation of Judges of Supreme Court.

County board may order new registration.

Order made and advertised.

Hours for registration on second Saturday before election. Registration books to close on second Saturday before election.

Challenge day.

Challenges to be on oath and specific charge to be stated.

Registrar to file affidavit and enter challenge and grounds for same on books.

appointed by the county board, and to name any qualified person of the same political faith, in the place of such officer so removed—and said judges are hereby invested with plenary powers to oversee, supervise and control the county board or other election officers, as to any and every duty imposed upon them by this election law.

And if any judge shall remove any election officer appointed by any other judge, such action shall be regarded as a conflict of decision between judges, and may be appealed to the supreme court by any party aggrieved, by the person removed, or by the county chairman of either of the political parties, or by the State chairman of either of the political parties, it being the purpose of this act to confer upon the supreme court plenary powers to settle all difficulties, conflicts of judicial decisions and judicial actions among the judges as to any matter pertaining to this election law and to issue all necessary writs, decrees and orders, mandates and processes to enforce this law, according to its true intent and meaning. In case the supreme court is convened together in extra session under this act, each judge of the court shall be entitled to actual expenses in traveling, and for the time in which the said court shall be in extra session, or for the time of any regular session during which the said court may be engaged in hearing matters arising under this act.

SEC. 8. Add at the end of Section 8: Whenever necessary the clerk of the court, register of deeds, chairman board of commissioners, shall order that a new registration shall be had in any such precinct or precincts. Such order shall be made at least sixty (60) days prior to the election next to be held, and advertisement thereof shall be made at the court house door, and in three public places in said precinct, also in a newspaper, if there be one published in said county, at least twenty (20) days before the first days of registration.

SEC. 9. Amend by inserting in line (15) fifteen, after the word "Saturdays," the words "and between the hours of (9) nine A. M. and (12) twelve M. on the second Saturday preceding the election." In line (21) twenty-one between the words "the and Saturday," insert "second." In line (22) twenty-two strike out "4 P. M.," and insert "12 M."

SEC. 12. That this section be stricken out and the following inserted in lieu thereof: "That any elector of the precinct may, on that day, object to the name of any person appearing in said book by stating upon affidavit the specific cause or causes of challenge. In case of such objection the registrar shall file the affidavit and enter upon the book opposite to the name of the person so objected to, the word "challenged" and the reason

of such challenge; and shall appoint the next Saturday at ten (10) o'clock at the polling place of said precinct where they, together with the said judges of election, shall hear and decide said objection, after having given due written notice to the voter so challenged, which notice shall state the cause of challenge and the time and place of trial; the notice to be served personally or left at place of residence: *Provided*, that before this shall be construed a legal challenge the challenger shall pay to the officer who is to serve the challenge the sum of twenty-five cents, the full fee now and hereby declared by law for the service of notice of challenge; *Provided, further*, that for each challenge sustained the board of county commissioners shall refund to the challenger the amount so paid by him to the officer serving the notice; and if any person challenged or objected to shall be found not duly qualified as provided in this chapter the precinct board of election 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. Any person shall have the right to cross-examine the challenged voter when the subject-matter is challenged.

SEC. 16. That section sixteen (16) be amended by adding after the oath the words "upon the elector taking such oath"; and add at the end of said section: "*Provided*, that any one of the registrars having the book in his possession, may give such certificate at any time after the opening of the registration books until the close thereof."

SEC. 17. Add to the end of section seventeen (17): "*Provided*, that the voting place shall be open and clear to all alike, without division, partition, screen or curtain whereby the boxes can be concealed from public observation."

SEC. 18. In line eleven (11) strike out the words "in each township a constable," and in line thirteen (13), between the words "ballot and all," insert "and in such township a constable and justice of the peace for said township shall be voted for on one other separate ballot, and be deposited in a separate box provided for and conducted in like manner with the boxes heretofore named." Amended by adding at the end thereof: "That upon the chairmain of the state executive committee of either political party adopting a device to be used the tickets for state officers, members of congress, judges, solicitors or presidential electors, and filing the same with the secretary of state,

Time for trial of challenges.
Notice to be given challenged voter.

What notice to state.

Notice to be served personally.

Proviso:
Challenger to pay fee for serving notice.

Proviso:
If challenge sustained fee refunded.

Names of persons found not qualified erased from registration book.

Proviso:
Entry on book presumptive evidence of regularity of registration.

Challenged voter may be cross-examined.

Registration to be made upon elector taking oath.

Proviso:
Certificate of removal may be given by one registrar and at any time.

Proviso:
Voting place to be without division, partition, screen or curtain.

Constable and magistrates voted for on separate ballots and in separate box.

State tickets of parties with device and names of candidates filed with secretary of state.

County ticket with device and names of candidates filed with clerk superior court.

Unlawful to print or have in possession counterfeit tickets.

Proviso: Elector may erase names and substitute others.

Violation of section a misdemeanor.

Penalty.

Ballot containing more names for any one office than elector is entitled to vote for not counted as to such office.

Registration and other election books and empty ballot boxes returned to clerk by messenger carrying returns. Person guilty of bribery competent witness against another for same offence and may be compelled to testify.

Testimony not to be used against witness.

Person testifying not liable to prosecution for offence concerning which testimony is given.

Electors privileged from arrest on registration or election day for offence previously committed, except treason or felony.

together with a list of the names of the persons to be voted for on the ticket on which the device is to be used, or upon the chairman of any county executive committee of either political party adopting a device to be used on the county ticket, and in like manner filing with the clerk of the superior court of his county the same, together with a list of the names of the persons to be voted for on the ticket on which the device is to be used, it shall be unlawful for any person to print or have in his possession, with the device or the imitation of such device thereon, with the name or names other than those so filed printed thereon: *Provided*, nothing herein contained shall prevent the elector from erasing name and writing other names thereon. Any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined and imprisoned at the discretion of the court.

SEC. 20. Amend by striking out in lines seven (7) and eight (8) the words "or any ticket shall contain the names of more persons than the elector has a right to vote for," and insert after the word "void" in line nine (9), "if any ticket shall contain the names of more persons than the elector is entitled to vote for for the same office, the names voting for such office shall not be counted."

SEC. 21. In line ten (10) between the word "election" and insert "and also the registration and other election books and the empty boxes."

SEC. 42. That section forty-two (42) of said act be and the same is hereby amended by striking out the words "shall forfeit and pay four hundred dollars to any person who shall sue for the same," and adding at the end of said section the following: "*Provided*, that any person offending against the provisions of this section (42) is a competent witness against another person so offending, and may be compelled to attend and testify upon any trial, hearing, or proceeding or investigation, in the same manner as any other person. The testimony given shall not be used in any prosecution or proceeding, civil or criminal, against the person testifying. The person testifying shall not thereafter be liable to indictment, prosecution, or punishment for the offence with reference to which his testimony was so given, and may be plead or prove the giving of testimony accordingly in bar of such indictment or prosecution."

SEC. 71. Amend section seventy-one (71) of said act so as to make it read as follows:

"That all electors, during their attendance upon registration, or while on their way to, or returning from registration on registration day, for any election held under, by any law of this

state, either general, local or municipal, shall be privileged from arrest for any offence committed prior thereto, except treason or felony; and all duly qualified electors, qualified to vote in any election, held under the laws of this state, either general, local or municipal, shall be privileged from arrest on election day for any offense committed prior to the day of the opening of the registration books for such election and until sunrise on the day following such election, treason and felony excepted. That all electors shall be privileged from arrest from the opening of the registration books until the day after the election in any general, special, county, or city election, for any failure to list his property or poll required of him to be listed for taxation by the state, county, city, town, township or district. And any sheriff, constable or policeman or other officer or person authorized to make arrests, who shall arrest any such elector or voter contrary to this section, shall be guilty of a misdemeanor, and upon conviction shall be fined not to exceed fifty dollars or imprisoned more than thirty days."

Electors privileged from arrest for failure to list property or poll from opening of registration to day after election.

Officer making arrest guilty of misdemeanor.

Penalty.

SEC. 72. That section seventy-two (72) of said act be and the same is hereby repealed, and the following substituted therefor: "That any person entitled to vote at any election held under the laws of this State shall, on one of the days set apart for registration for said election, and on the day of such election be entitled to absent himself from service or employment in which he is engaged or employed for a period of time sufficient to enable such person to go and return from the voting place in the precinct wherein such person is entitled to register and vote, while the registration books are open, and while the polls in said precinct are open, if such voter shall notify his employer before the day of such registration or of such election, of such intended absence, and if, thereupon, the time of shall be designated by the employer, and such absence shall be during such designated time, or if the employer, upon the days of such notice, makes no designation, and such absence shall be during one of the days for registration or during the day of election, no penalty shall be imposed upon him by his employer by reason of such absence.

Employees on giving notice to be allowed time to register and vote.

Employer to exact no penalty on employee.

SEC. 73½. That on the first Tuesday in May, 1897, and annually on the same Tuesday thereafter, an election shall be held in every incorporated city in North Carolina, when and where there shall be voted for and elected of and by the qualified voters therein such officers as are provided for in the respective charters of the several cities and towns of North Carolina.

City elections.

That not less than forty (40) days next immediately preceding such election the board provided for under the general elec-

How registrars and judges appointed.

tion law shall appoint one registrar and two judges of election for each voting precinct, to be composed of each political party, and shall be so appointed upon the recommendation of the chairman of the several political parties in each voting precinct.

Registration days.

That the registrars so appointed who shall have qualified shall, between the hours of 9 o'clock A. M. and 8 o'clock P. M. for two consecutive Saturdays, and until 12 o'clock noon of a third consecutive Saturday, at the voting places of their respective precincts, beginning on the fourth Saturday next immediately preceding the day of election, keep open the registration book of said precinct for the registration of any electors entitled to register therein. Said book shall be closed for the registration of voters at 12 o'clock noon of said second Saturday next preceding the election the same day for the inspection of the names and the challenge of unlawful registration therein.

When registration closed.

Challenge day.

Time for hearing challenges.

That at 9 o'clock A. M. of the first Saturday next preceding the election the judges and registrars shall assemble together at the voting place in the precinct, and having organized a precinct board of election by the selection of a chairman from their number, they shall proceed to hear and determine the challenges filed and noted upon the registration book on the Saturday next preceding. They shall close the book and the hearing at 4 o'clock P. M. of said day of hearing, or sooner, when all the challenges shall have been heard and decided or otherwise properly determined.

When book and hearing to close.

Temporary residents not entitled to register or vote.

That no person who shall temporarily enter, sojourn and remain in any incorporated city of North Carolina in the capacity of a county or state officer, clerk or employee, or as a teacher, student or employee in any public or private school, or as an officer, clerk, employee or inmate of any hospital, asylum, penitentiary, soldiers' home or other institution of temporary employment or residence whatever, shall, while so sojourning or remaining, have or acquire thereby any right to register or to vote at any election held in such city for the purposes described in this act. That any elector, who, in good faith, shall change his residence from any one precinct in said city in which he is registered to vote in any such election to any other precinct in such city after the registration and before the day of election, he may vote at such election in the precinct in which he was registered therefor.

Elector changing residence in the city after registration to vote where registered.

Election books, blanks and ballot boxes furnished by city. Proviso: Voting places to be

That all necessary books, blanks, ballot-boxes, stationery and booths or buildings for the use, comfort and convenience of the officers and electors at such registration and election shall be furnished by and at the expense of the city: *Provided*, that

such voting place be free, open and clear to all alike, without division, partition, screen or curtain whereby the boxes or the voting can be concealed from public observation.

without division, partition, screen or curtain.

That at the conclusion of any such registration and election there shall be paid by the city to each registrar and judge of election, upon the certificate of the chairman of the precinct board of registration, one dollar per day for every day of full attendance and actual service of every such registrar and judge of election.

Pay of registrars and judges of election.

That the word "city," as used in this act, includes towns and villages, and all other municipal corporations holding a charter from the State.

Definition of city.

That the provisions of this act shall not apply to cities and towns that have prescribed in their charters the election machinery for said towns and cities.

Not to apply to cities and towns having election machinery in charter.

SEC. 74. That this act shall be in force from and after its ratification.

Ratified the 9th day of March, A. D. 1897.

CHAPTER 186.

An act to incorporate the United Brothers and Sisters Association.

WHEREAS, certain citizens of the States of North Carolina, South Carolina and Virginia have associated themselves together, under the name and style of the "United Brothers and Sisters Association," with the intention and purpose of promoting charity, benevolence, morality, industry and intelligence; therefore,

Preamble.

The General Assembly of North Carolina do enact :

SECTION 1. That Premier J. Holmes, supreme grand master, W. P. Palmer, deputy supreme grand master; J. D. Gordan, supreme grand secretary; W. H. Rankin, supreme grand treasurer, Patience Smith and Eliza Covington, deputy supreme grand mistresses, their successors, associates and assigns, be, and they are hereby, incorporated and created a body politic, under the name and style of the "United Brothers and Sisters Association," and by such name and title shall have perpetual succession, and shall have and use a common seal, contract and be contracted with, sue and be sued, plead and be impleaded, and of purchasing, leasing, holding, granting, receiving and conveying, in its corporate name, property, real, personal and

Corporators.

Corporate name.

Corporate powers.

	mixed, and of making such by-laws, rules and regulations, as the said corporation may deem necessary for the proper transaction of its business, the same not to be in conflict with the laws of this State or of the United States, or of any other State in the United States in which it may set up lodges.
Principal lodge.	SEC. 2. That the principal lodge of the said corporation shall be established in the town of Lincolnton, North Carolina; but the said corporation may establish subordinate lodges in any county of this State or of any other State of the United States, under such rules, regulations and terms as may be provided and adopted by the principal lodge.
Subordinate lodges.	SEC. 3. That the officers herein mentioned shall hold their respective offices for a period of four years; and at the expiration of their term of office an election shall be held for the election of the grand officers, who shall hold their offices for a period of two (2) years, and there shall be held every two years thereafter an election for grand officers; but the officers of the subordinate lodges shall be elected annually.
Term of present officers.	SEC. 4. That the objects of the corporation shall be to unite fraternally all colored men and women of good moral character, to give all moral and material aid in its power to its members and those dependent upon them; to assist the widows and orphans; to establish a fund for sick and distressed members, and to establish an endowment fund on such terms and in such amounts as the needs of the members demand and the ability of the corporation will allow, or as may be provided for in the constitution and by-laws of the corporation.
Election and term of successors.	SEC. 5. That the private property of the members of the corporation shall be exempt from the debts of the corporation.
Objects of corporation.	SEC. 6. That said corporation shall have power to collect, hold and disburse the funds named in its objects for the benefit of its members, and said funds shall be exempt from execution, and under no circumstances liable for the debts of any of its living or deceased members.
Property of members exempt from corporate debts.	SEC. 7. That said corporation shall be exempt from any privilege, state, county, city or town taxes.
Corporate funds.	SEC. 8. That this act shall be in force from and after its ratification, and shall remain in force ninety-nine (99) years.
Exemption from taxation.	Ratified the 1st day of March, A. D. 1897.
Term of corporation.	

CHAPTER 187.

An act to regulate the official bond of register of deeds of Edgecombe county.*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter one hundred and twenty-six of the laws of one thousand eight hundred and eighty-seven be amended by adding after the word "Halifax" in line five the word "Edgecombe."

Penalty of bond
to be not more
than \$5,000.

SEC. 2. That Chapter 245 of the Laws of 1885, section one, shall be in operative, and Chapter 270, Laws of 1895, shall not be applied to the office of register of deeds.

Commissioners
not to increase
bond of Register
of Deeds.

SEC. 3. That all laws and parts of laws in conflict with this statute are hereby repealed.

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

Ratified the 1st day of March, A. D. 1897.

CHAPTER 188.

An act to authorize the commissioners of Perquimans county to issue bonds and to levy a special tax to pay the same.*The General Assembly of North Carolina do enact :*

SECTION 1. That the board of commissioners of Perquimans county are hereby authorized and empowered to issue and sell to the highest bidder therefor bonds of the said county in a sum not to exceed ten thousand (\$10,000) dollars ; said bonds are to bear interest at a rate not to exceed six per cent. per annum, are to be sold for not less than their face value, and are to become due and payable in from one and not to exceed ten years from the date of their issue. Said bonds are authorized to be issued and sold for the purpose of raising funds with which to build a bridge across the Perquimans river, at the town of Hertford, where the "Float Bridge" now crosses said river ; to pay the outstanding indebtedness of said county, and to build two fire proof vaults adjoining, or near the court house of said county for the better preservation and also protection of the records of the said county from any accident that may arise from fire.

Issue of bonds
authorized.
To be sold to
highest bidder.

Bonds not to be
sold at less than
par.
When bonds pay-
able.
Purpose of bond
issue.

SEC. 2. That for the purpose of raising the money necessary for the payment of the aforesaid bonds as they become due and

payable, together with the interest that may annually accrue on the same, the said board of commissioners are hereby authorized and empowered, at the regular meeting of the said board on the first Monday in June, A. D. 1897, and at said regular meeting for nine (9) successive years thereafter, to levy a special tax not to exceed ten cents upon every one hundred dollars valuation of taxable real and personal property, and a poll tax not to exceed thirty cents upon every taxable poll of the said county: *Provided*, the taxes herein authorized do not sooner pay the aforesaid bonds. And the constitutional equation between property and poll shall at all times during the continuance of the levies herein provided be observed.

SPECIAL TAX AUTHORIZED.

LIMITATION.

PROVISO:
Tax not levied longer than necessary to pay bonds.

TAXES COLLECTED AND ACCOUNTED FOR AS OTHER TAXES.

PROVISO:
Payments on bonds.

COMMISSION OF SHERIFF OR TAX COLLECTOR.

NO OTHER COMMISSION ALLOWED.

SEC. 3. That said taxes shall be collected and accounted for by the sheriff or tax collector of said county in the same manner and under the same penalties as are prescribed for the collection of other taxes in the said county: *Provided*, that said sheriff or tax collector shall pay to the holders of said bonds such payments upon said bonds as they become due and payable when so required by the said board of commissioners, and the said sheriff or tax collector shall receive two and one-half ($2\frac{1}{2}$) per cent. for collecting and two and one-half ($2\frac{1}{2}$) per cent. for disbursing the money collected by virtue of this act, and no other person or persons shall receive any commission for receiving or paying out the same; nor shall any commission be allowed for selling the said bonds nor for receiving the purchase money therefor.

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

Ratified the 1st day of March, A. D. 1897.

CHAPTER 189.

An act supplemental to an act ratified February 23, 1897.

The General Assembly of North Carolina do enact:

SECTION 1. That said act shall not apply to the counties of Onslow and Pender.

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

Ratified the 1st day of March, A. D. 1897.

CHAPTER 190.

An act to allow graduates of the Asheville normal and collegiate institute for young women to teach in the public schools of the state.

The General Assembly of North Carolina do enact:

SECTION 1. That the diplomas granted by the president and faculty of the Asheville normal and collegiate institute to the students who shall have completed the normal course prescribed by said institution shall entitle the holder to teach in any of the public schools of the state without being subjected to an examination, as now prescribed by law, subject to the general school laws of the state as to character.

Diplomas of Institute to entitle graduates in normal course to teach in public schools without examination.

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 1st day of March, A. D. 1897.

CHAPTER 191.

An act to establish a dispensary at Waxhaw, North Carolina.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person in any capacity whatever to sell, directly or indirectly, any spirituous, vinous, malt or other intoxicating liquors within the corporate limits of the town of Waxhaw, in Union county, state of North Carolina, except as hereinafter provided in this act.

Unlawful to sell liquor except under this act.

SEC. 2. That it shall be the duty of the commissioners of the town of Waxhaw to elect three persons, who shall be known as dispensary commissioners, who shall hold their office respectively for one, two and three years, the said town commissioners designating at the time of election the respective term of office of each dispensary commissioner, each of whom shall continue in office until the election of his successor; that at the expiration of the term of any dispensary commissioner, the two dispensary commissioners whose terms have not expired shall nominate and appoint an elector of the town to fill the office made vacant by the expiration of said dispensary commissioner, and upon the approval of the election by the town com-

Town commissioners to elect dispensary commissioners.

Term of office.

Successors to be elected by remaining dispensary commissioners and with approval of town commissioners.

If appointment rejected, dispensary commissioners to make another selection.

Dispensary commissioners to take oath.

If dispensary commissioners fail to fill vacancy, town commissioners to act.

Dispensary commissioners to provide place for sale of liquors.

Sale of liquors by manager under direction of dispensary commissioners.

Manager chosen by dispensary commissioners.

His duties.

Subject to dismissal.

Bond of manager.

Salary of managers.

Salary not dependent on sales.

Manager to keep record of sales and persons to whom made.

Manager to keep liquors under supervision of dispensary commissioners.

missioners, he shall become a dispensary commissioner for the term of three years. Should the town commissioners reject the nomination and appointment of any one as dispensary commissioner, the said dispensary commissioners whose terms have not expired shall nominate another or others until one has been approved by the town commissioners. The said dispensary commissioners before entering upon the discharge of their duties shall take and subscribe an oath faithfully to discharge and perform the duties of their office, which oath shall be filed with the secretary or clerk of the board of town commissioners. If from any cause the dispensary commissioners shall fail for thirty days to elect a commissioner to succeed one whose term has expired, then it shall be the duty of the town commissioners to elect a citizen and elector of Waxhaw to fill the office then vacant.

SEC. 3. That it shall be the duty of the dispensary commissioners first appointed by the town commissioners of Waxhaw to provide a suitable place for the sale of spirituous, vinous, malt and other liquors within the corporate limits of the town of Waxhaw (which shall not be within two hundred feet of any church) where spirituous, vinous and malt or fermented liquors shall be kept for sale under the direction of said dispensary commissioners by a manager who shall have charge and control of all liquors bought by said dispensary commissioners for sale in said town. The said manager shall be chosen by said dispensary commissioners, and shall have charge of the management of said dispensary or place for the sale of liquors under the control of said dispensary commissioners, and he shall be subject to dismissal for any cause which said dispensary commissioners shall in their discretion deem sufficient; he shall give bond in the sum to be fixed by said dispensary commissioners, not less than five hundred dollars, for the faithful discharge of his duties and for the payment of all sums of money received by him to the treasurer of the town of Waxhaw. He shall be paid a salary, to be fixed by said dispensary commissioners, not exceeding the sum of fifty dollars per month, which compensation shall not be dependent upon the amount of sales made by him. It will be the duty of the manager to keep a register on which shall be kept a record of the names of persons to whom any liquors are sold, the quantity sold, price paid and date of sale.

SEC. 4. The manager of the dispensary shall and all times keep, under the supervision of the dispensary commissioners, a stock of spirituous, vinous and malt liquors in such quantities as the dispensary commissioners shall direct; all bills incurred

for the establishment and maintenance of the dispensary and the purchase of stock from time to time shall be paid by the treasurer of the town of Waxhaw upon presentation of such bills approved, in writing, by a majority of the dispensary commissioners; said manager shall sell only for cash, and shall turn over all moneys received by him to the treasurer of the town each week, who shall keep a separate account of the same.

SEC. 5. Said dispensary commissioners shall make, from time to time, rules and regulations for the operation of said dispensary; the quantity to be sold to any one person shall be determined by them, but in no event shall wine or liquors be furnished in less quantities than one-half pint, and none shall be drunk in the building or on the premises where the dispensary is established, nor shall any liquors be sold to any person known to be an habitual drunkard, to minors, or persons intoxicated, except upon the prescription of a regularly licensed physician. The dispensary shall not be opened before sunrise and shall be closed before sunset, and it shall be closed on Sundays, election days, and such other days and under the same circumstances as make the sale of liquors unlawful under the laws of this State.

SEC. 6. The price at which spirituous, vinous or malt liquors shall be sold shall be fixed by the dispensary commissioners: *Provided*, that the same shall not be sold for a profit exceeding eighty (80) per centum above the actual cost thereof.

SEC. 7. The manager of said dispensary shall sell to no person or persons any spirituous, vinous or malt liquors except in sealed packages, and he shall not keep any broken packages in said dispensary, and whenever any original package is broken it shall be at once bottled and sealed. Said manager shall make a monthly report to the dispensary commissioners showing the amount of sales for the preceding month and stock on hand on the last day of the month.

SEC. 8. Said dispensary commissioners shall cause an inspection and analysis to be made of the stock on hand from time to time by a competent chemist, and no vinous or malt liquors shall be sold in said dispensary that are not well known in the market as pure and unadulterated, and the commissioners are required to have wine and malt liquors analyzed from time to time to determine whether they are pure as represented. If any spirituous or malt liquors are condemned by the chemist making analysis as impure and unwholesome, such liquors shall not be sold by the manager and payment for the same shall be refused to the persons from whom such liquors were purchased.

How bills for establishment of dispensary and purchase of liquors paid.
Sales for cash only.

Manager to pay over receipts to town treasurer weekly.

Dispensary commissioners to prescribe rules.

No liquor shall be drunk on dispensary premises.

No liquor sold to habitual drunkards, minors or intoxicated persons.

When dispensary to be closed.

Price of liquors to be fixed by dispensary commissioners.

Proviso : Profit not to exceed 80 per cent.

Liquors sold only in sealed packages.

Broken packages to be bottled and sealed.
Manager to report monthly.

Inspection and analysis of liquors to be made.

Condemned liquor not to be sold nor paid for.

No liquors sold
for re-sale.

SEC. 9. No spirituous, vinous or malt liquors shall be sold in said dispensary to persons purchasing for the purpose of selling again, either lawfully or unlawfully, and said dispensary commissioners are required to make such rules and require the manager to make such investigation as will prevent persons from so purchasing, and if said dispensary commissioners become satisfied that any person or persons have purchased or are purchasing for the purpose of selling again, they shall direct the manager as to the quantity to be sold to such person or persons, which shall be such an amount as will prevent a re-sale, and in case when said dispensary commissioners are satisfied that any person or persons are indirectly or directly purchasing repeatedly for the purpose of reselling the dispensary commissioners are authorized to direct the manager not to sell to such person or persons except upon the certificate of a respectable physician that such liquors are needed for medical purposes.

Manager not to
allow loitering in
or about dispensary.

Penalty on manager for permit-
ting loitering.
Penalty on loi-
terers.

SEC. 10. The manager of the dispensary shall not allow any person or persons to loiter in or about the dispensary and the premises on which it is situated, and for a failure to comply with this section he shall be removed by the dispensary commissioners, and any person refusing to leave the dispensary and the premises on which it is situated shall be punished upon conviction in the mayor's court as shall be prescribed by the ordinances of said town.

Mayor and town
commissioners
to pass ordi-
nances.

SEC. 11. The mayor and board of town commissioners of said town of Waxhaw shall, from time to time, pass such ordinances as may be necessary to carry out the purposes of this act, and shall provide suitable penalties for violation of the provisions of this act, as the regulations of the dispensary commissioners by the mayor or other persons.

Appropriation
for establish-
ment of dispen-
sary.

To be repaid
from profits of
dispensary.

Proviso:
Appropriations
to maintain dis-
pensary.

SEC. 12. The mayor and board of town commissioners shall appropriate from the public treasury a sufficient amount to establish the dispensary as provided for in this act, which amount shall be repaid into the city treasury by the profits of the dispensary, and thereafter the dispensary shall be supported and maintained out of the profits arising out of the sales in the dispensary: *Provided*, that said mayor and board of town commissioners shall be authorized and are hereby required to appropriate at any time such sums as may be necessary to keep the dispensary in operation. If there should for any reason be no money in hand derived from the profits of the dispensary, such amounts being always repaid to the city treasury out of the first profits thereafter realized from the dispensary, said mayor and board of town commissioners are hereby authorized

and empowered to make the appropriations herein provided for out of any moneys in the city treasury, and if necessary to levy and collect taxes for that purpose.

SEC. 13. The dispensary commissioners shall make an annual report, showing in detail the amount of money expended in the purchase of liquors, to whom paid, the amount of money realized from the sale of liquors, the expense of the said dispensary, salary paid to manager, dispensary commissioners, and all other moneys expended on account of said dispensary and moneys received on account thereof.

Dispensary commissioners to report annually.

SEC. 14. That the dispensary commissioners shall pay to the sheriff of Union county a sum equal to the tax limit by the county and state for retail dealers of spirituous liquors for which the sheriff of said county shall issue to the "manager of Waxhaw dispensary" a license to sell liquors under this act without first requiring from the commissioners of Union county an order to issue said license.

Dispensary commissioners to pay tax as retail dealers.

Sheriff to issue license to manager.

SEC. 15. The dispensary commissioners shall be paid for their services such sum as the board of town commissioners shall determine, which shall not be less than twenty-five dollars per annum.

Pay of dispensary commissioners.

SEC. 16. That any person who shall sell, barter, or exchange to another person within the limits of Jackson and Sandy Ridge townships, in Union county, any spirituous, vinous or malt liquors, or other intoxicating liquors in any quantity whatever, or for any purpose, shall be guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than fifty dollars (\$50.00) or more than two hundred dollars (\$200.00) and imprisonment in the county jail not less than thirty (30) days, in the discretion of the court: *Provided*, that it shall not be unlawful for druggists to sell for medical purposes until the dispensary is established.

Misdemeanor to sell liquor within Jackson and Sandy Ridge townships, Union county.

Penalty.

Proviso. Druggists may sell for medical purposes until dispensary established.

SEC. 17. That the prohibition of the sale of spirituous, vinous and malt liquors in Jackson and Sandy Ridge townships, in Union county, as now established by a vote of the electors of said townships under the local option law, shall be continued in force so as to make it unlawful to sell said liquors in said townships.

Prohibition under local option continued in force.

SEC. 18. This act shall be in force from and after its ratification.

Ratified the 1st day of March, A. D. 1897.

CHAPTER 192.

An act to enable the commissioners of Onslow county to use a surplus special tax fund for general county purposes.

The General Assembly of North Carolina do enact :

Surplus from special tax under act of 1891 to be used for general county purposes.

SECTION 1. That the county commissioners of Onslow county be and they are hereby authorized and empowered to use for general county purposes all the moneys which were received and collected from the special tax levied in said county for the purpose of funding the debt of Onslow county, under chapter two hundred and two (202) of the acts of 1891, which now remains in the hands of the treasurer of said county and not needed for the purposes of said act of 1891.

Surplus from special tax under act of 1885 to be used for building and repairing bridges and other purposes.

SEC. 2. That said commissioners are hereby authorized and empowered to use all moneys now in the hands of the treasurer of said county, levied and collected from a special tax, under chapter two hundred and thirty-three (233), acts of 1885, and not needed for the purposes therein set forth, for the purposes of building and repairing the bridges required to be kept up by the county, or for such other purposes as they may deem expedient.

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

Ratified the 1st day of March, A. D. 1897.

CHAPTER 193.

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 :

County Commissioners to construct bridges.

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 within or near the city of New Berne, said location to be designated by the said board of county commissioners.

Bridges to be provided with draws.

SEC. 2. That said bridges so constructed as authorized shall be provided with draws sufficient to permit the free and easy navigation of said rivers by all kinds of vessels.

Issue of bonds authorized.

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 fifty

Denominations.

dollars, one hundred and five hundred dollars each running twenty years, with interest at six (6) per cent., to an amount not exceeding the sum of thirty-five 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 seventeen hundred and fifty dollars, which sinking fund shall be used for the purpose of paying off and discharging said bonds.

Amount of issue.

Special tax for payment of bonds.

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.

Bonds subject to call.

SEC. 4. That the tax so levied as aforesaid shall not exceed the sum of fifteen cents on the hundred dollars valuation, and forty-five cents on the poll.

Limitation of tax.

SEC. 5. That before the said commissioners shall be empowered to carry out the provision of this act, they shall submit to the qualified voters of the county the question whether the said bridges shall be constructed or not and for this purpose they shall order an election to be held in said county, on the first

Election to be held.

Tuesday after the first Monday, either in the month of June or July one thousand eight hundred and ninety-seven (1897), and shall appoint one registrar and one judge for each precinct in said county, to hold said election at the usual polling place in each precinct, and shall furnish said registrar with the registration poll books and ballot-box for their respective precincts and

When election to be held.

Method of holding election.

with printed tickets, containing the words, "For Bridges" and "Against Bridges." The polls shall open at seven (7) o'clock A. M., and close at sunset on said day of election, and before the said registrars and judges shall enter upon their duties they shall take an oath before a justice of the peace to truly and faithfully perform the duties of registrar and judge at said election, and for failing or neglecting to perform said duties, they shall be guilty of a misdemeanor and fined fifty dollars. The registrar and judge shall make out an abstract, showing the result of the vote as cast at their respective precincts, sign the same and forward said abstract to the chairman of the board of commissioners who shall, in the presence of a majority of said commissioners, open and add up said votes, and if a majority of said votes shall be "for bridges," the said commissioners shall have the said bridges constructed.

Ballots.

Misdemeanor for judge or registrar failing to act.

Returns to be forwarded to chairman of county commissioners.

Chairman to open and add up returns.

Bridges to be built if majority of votes cast "for bridges."

SEC. 6. The registrars and judges shall receive one dollar each for their services in holding said election.

Pay of registrars and judges.

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

Ratified the 1st day of March, A. D. 1897.

CHAPTER 194.

An act to authorize the levy of special taxes to pay the outstanding indebtedness of Caldwell county.*The General Assembly of North Carolina do enact:*Special tax
authorized.

Limitation.

Purpose of tax.

To be levied and
collected as
other taxes.

SECTION 1. That the board of commissioners of Caldwell county are hereby authorized and required to levy for the year one thousand eight hundred and ninety-seven (1897) and one thousand eight hundred and ninety-eight (1898) a special tax of sixteen and two-thirds ($16\frac{2}{3}$) cents on the one hundred dollars' worth of real and personal property and the constitutional equation on the poll for the purpose of paying off the outstanding indebtedness of the county.

SEC. 2. The taxes herein authorized to be levied shall be levied and collected as other taxes, subject to the same rules and regulations as state and other county taxes.

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 1st day of March, A. D. 1897.

CHAPTER 195.

An act to create a short form of agricultural liens in North Carolina.*The General Assembly of North Carolina do enact:*Form sufficient
to create valid
lien.

Form.

SECTION 1. That to create a valid agricultural lien under section seventeen hundred and ninety-nine of *The Code* the following form shall be sufficient:

I,, of county, in the state of North Carolina, am indebted to, of county, in the sum of dollars, for which he holds my note, to be due on the day of 189..., said note having been given for money and supplies yet to be advanced to the said to enable him to cultivate a crop this year of 189..., on the lands of, in township, and to secure the payment of the same I do hereby convey to the said the following articles of personal property, to-wit: but on this special trust, that if I fail to pay said debt and

interest on or before the day of, 189....., then he may sell said property, or so much thereof as may be necessary, by public auction, for cash, first giving twenty days' notice at three public places in said county, and apply the proceeds of such sale to the discharge of said debt and interest on the same, and pay any surplus to me.

Given under my hand and seal this the day of, 189.....

..... [SEAL].

..... [SEAL].

SEC. 2. The fees for probating shall be fifteen cents, and for recording fifty cents.

Fees for probating and recording.

SEC. 3. That this act shall apply only to Franklin county, and that the name of Franklin county be stricken from Senate Bill No. 59 and House Bill No. 592, entitled an act regulating the probate and registration fees on crop liens.

To apply only to Franklin county.

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

Ratified the 1st day of March, A. D. 1897.

CHAPTER 196.

An act incorporating the Mountain Retreat Association.

The General Assembly of North Carolina do enact:

SECTION 1. John C. Collins, W. H. Wanamaker, David A. Reed, C. N. Crittenton, John S. Huyler, Floyd W. Tomkins, Jr., David Gregg, H. H. Kelsey, Weston R. Gales, S. L. Blake, J. A. Porter, C. A. Rowland, Jr., A. C. Dixon, C. P. Masden, John Y. McDermott, T. B. Wilson and their associates and successors are hereby declared to be a body politic and corporate by the name of the Mountain Retreat Association, with power to sue and be sued, plead and be impleaded in courts, to purchase, lease, let, hold, manage and convey real and personal estate, to contract and be contracted with, and to have a common seal, which may be changed at pleasure.

Corporators.

Corporate name.
Corporate powers.

SEC. 2. The purpose of said corporation is to establish and maintain in the mountain section of North Carolina a municipality containing assembly grounds for the encouragement of Christian work and living through Christian conventions, public worship, missionary work, schools, libraries, orphan homes, manual and trades training and other operations auxiliary and

Purpose of corporation.

incidental thereto; also a community and health resort, with places for dwelling, permanently and temporarily, for health, rest, recreation, Christian work and fellowship, together with whatever may be connected therewith, directly or incidentally.

May construct water works, street railway and other improvements.

SEC. 3. Said corporation shall have power to construct, maintain and control, upon or in connection with any real estate owned or leased by it, water-works and mains, electric works, mills, stores, street railways of any kind, highways, bridges, drives, streets, sidewalks, parks, lakes, fountains, telegraphs and telephones, and cemeteries, and to provide all other conveniences, and to make all other improvements, and to carry on any lawful business as may be deemed necessary or advisable, and to make ordinances and by-laws for the government of said community, and to supervise and control all and any matters connected with the health, comfort, convenience and well-being of the occupants of its territory not inconsistent with the constitution and laws of the State of North Carolina or of the United States, and may enforce the same by suitable penalties; and said corporation may engage in the business of banking, with all the rights, powers and privileges granted to banking corporations by the general laws of North Carolina, with the right to secure any loan by mortgage or otherwise, and shall also have such rights as are granted to any savings bank by the laws of North Carolina, with all the privileges appertaining to savings banks; and it shall have power to issue bonds or evidences of indebtedness at such rate of interest as is allowed by law, and to secure the same in such manner as may be deemed advisable upon real estate, leases, rights, privileges, rents, or any other property of said corporation.

May make ordinances and by-laws.

May engage in banking.

May issue bonds.

No persons to engage in business in territory owned by company without its license.

SEC. 4. No person shall open a store, sell goods, keep open any place of amusement, establish a factory, keep a hotel or boarding-house, or carry on any business either within the territory of said corporation or alongside of any drive, road or highway hereafter opened and constructed by said corporation for its needs or convenience without a license from said corporation; and the penalty for violation of this section shall be such as may be provided by the by-laws of said corporation.

Penalty to be provided by by-laws of corporation.

May establish kindergartens and schools.

SEC. 5. The corporation shall have power to erect and maintain within the limits of its territory kindergartens and schools for primary and elementary instruction, high schools for advanced or higher education, also manual and trade schools, and to appoint a superintendent of schools, teachers, and such other instructors and officials as may be found advisable, and to make rules and regulations governing said schools, or any of them, and, in general, all matters relating to such schools.

May appoint superintendent and other teachers.

Whenever said corporation shall maintain a school or schools in which the youth resident within the boundaries of any of its territory shall have free instruction, all of the property and poll taxes levied and collected for school purposes upon property situate within said boundary, and upon persons residing therein, shall be paid over to said corporation, to be used for the purposes of said school or schools.

SEC. 6. Said corporation shall have power to levy and collect assessments upon property situate within its territory, for the good government, management, and general expenses of said corporation, and for the comfort, convenience and well-being of the occupants of its territory, as may be provided and agreed upon in any deed of sale or lease by said corporation to any grantee or lessee.

SEC. 7. The manufacture, sale, and keeping with intent to sell of any intoxicating liquors, including ale, beer, wine and cider, is hereby forever prohibited upon any real estate of said corporation and within three miles of its principal office or one mile of its territory; and all persons violating this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined and imprisoned in the discretion of the court.

SEC. 8. (1) Said corporation shall appoint a recorder, whose term of office shall be one year and until his successor shall be appointed and qualified.

All vacancies occurring in the office of recorder or peace officers hereinafter provided for shall be filled by the managing committee hereinafter provided for.

(2) The recorder is hereby constituted a special court, with all the jurisdiction and powers which are now or hereafter may be granted by law to justices of the peace.

(3) Whenever a defendant or witness or other person shall be adjudged to be imprisoned by said court, it shall be lawful for the court to sentence such person to imprisonment in the county jail or such place of imprisonment as may be provided by said corporation, and to adjudge that such persons shall work during the period of their confinement on the public streets or on the public works of said corporation: *Provided*, that no female shall be sentenced to work on the public streets.

(4) The recorder may issue his precepts to the chief peace officer of the corporation, and to such other officers to whom a justice of the peace may issue his precepts.

(5) The judgments rendered by such recorder shall have all the force, virtue and validity of judgments rendered by a justice of the peace, and may be executed and enforced against the parties in said counties and elsewhere in the same manner and

When corporation maintains schools, school fund of territory to be paid to it.

Corporation may levy and collect assessments on property within its territory.

Manufacture, sale or keeping for sale of liquors forbidden within three miles of principal office of corporation.

Misdemeanor.
Penalty.

Corporation to appoint recorder.
Term of office.

Vacancies.

Recorder constituted a special court.
Jurisdiction.
Persons adjudged to be imprisoned in county jail or place of imprisonment provided by corporation. Prisoners may be worked on streets or public works of corporation.
Proviso:
No females to be worked on streets.

To whom precepts of recorder issued.

Judgments of recorder.
How judgments executed and enforced.

by the same means as if the same had been rendered by a justice of the peace for any county.

Corporation to appoint chief and other peace officer.

SEC. 9. Said corporation shall have power to appoint a chief peace officer, who may be known as chief marshal, and such number of peace officers who may be known as marshals, as the good government of the corporation may require. Said officers shall hold their offices during the pleasure of the corporation, or until their successors are appointed and qualified; and the said corporation may require such officers to give bond in such sum as it may prescribe for the faithful discharge of the duties imposed by law and the ordinances of the corporation, and to faithfully account for all moneys that may come into their hands from offences, penalties, &c.

To hold during pleasure of corporation.

Corporation may require bonds of peace officers.

Such peace officers are hereby vested with all the rights, powers and duties of constables and policemen of town, and shall be subject to the same penalties.

Powers and duties of peace officers.

Additional peace officers.

(2.) In times of exigency, the corporation or the recorder, or such officer as the ordinances may designate, may appoint temporarily additional peace officers for such time as shall appear necessary, who shall take the same oath and be subject to the same control as regular peace officers.

Fines and penalties to be turned into treasury of corporation.

(3.) All fines and penalties imposed by the recorder shall be collected by the peace officers and turned into the treasury of the corporation.

Salary of recorder and peace officers.

(4.) The salary and compensation paid to the recorder and peace officers shall be fixed by the ordinances or by-laws of the corporation, and shall be paid out of the general treasury.

Property exempt from taxation.

SEC. 10. All property owned by said corporation, such as public property held or used for the common good as in municipalities, school property, library property, land and buildings used for religious assemblies and public worship; and all property of every description the income of which is used for the public or common good, for schools, religious work and worship, libraries, orphanages, and other charitable or benevolent purposes, together with said income shall be exempt from taxation: *Provided*, that this section shall not be construed to exempt the poll tax of any resident upon or the property of any person situate within the territory of said corporation, and taxable according to law.

Proviso: Exemption not to apply to poll tax or property of individuals.

Members of corporation.

SEC. 11. The persons named in the first section of this act, and all others who may be hereafter elected by the managing committee, shall be members of said corporation, but no person shall be a member of said corporation except one who believes in and acknowledges Jesus Christ as Lord, and whose manner of living gives evidence of the sincerity of such profession.

Qualification for membership.

SEC. 12. The standing officers of said corporation shall be a managing committee of not less than seven nor more than fifteen, and a president, secretary and treasurer. Two offices may be filled by the same person. Said managing committee may also constitute and appoint such other committees, agents, and officers, and designate their powers and duties and fix their compensation, and make changes, removals, substitutions, and new appointments as to said committees, agents, officers, powers, duties and compensation as they may think best. Until said managing committee shall otherwise direct, said standing offices shall be filled as follows: President, John C. Collins; Secretary and Treasurer, T. B. Wilson; managing committee, John C. Collins, William H. Wanamaker, David A. Reed, C. N. Crittenton, John S. Huyler, Floyd W. Tompkins, Jr., David Gregg, H. H. Kelsey, Weston R. Gales, C. A. Rowland, Jr., John Y. McDermott, A. C. Dixon. Said managing committee may fill any vacancies in the managing committee or other officers, and may at any time elect additional members of the managing committee, but not so as to make more than fifteen in all. The standing officers shall be elected only from members of the corporation.

Standing officers of corporation.

Managing committee to appoint other committees, agents and officers.

First officers named.

Managing committee to fill vacancies and elect other officers and additional members. Officers to be members of corporation.

SEC. 13. Said corporation may meet at any place in the state of North Carolina from time to time at the call of the president or said managing committee, and due notice of time and place shall be given to all members of the corporation by mail, addressed to the last known place of residence of each member at least ten days before the day fixed for said meeting.

Meetings of corporation.

SEC. 14. The affairs of the corporation shall be managed by the managing committee, and all powers granted to said corporation may be exercised by the managing committee or a majority of them, and said managing committee may at all times represent the corporation.

Powers of corporation may be exercised by managing committee.

SEC. 15. The managing committee shall make regulations, ordinances or by-laws, for the further administration of the affairs of this corporation, and community rules to secure the rights of all interested, preserve order, protect health and provide generally for the comfort, well-being and convenience of all occupants of its territory. And said ordinances and by-laws, and regulations and community rules may be repealed or amended from time to time by said managing committees or by the members of said corporation by majority vote of those voting: *Provided*, that not less than two-thirds of said members vote on said amendment or repeal. Any by-law amended or repealed by the corporation shall not be changed or re-enacted by the managing committee.

Managing committee to make rules, regulations and by-laws.

By-laws, ordinances and regulations amended by managing committee or corporation.

Proviso:

Two thirds to vote on amendment or repeal.

By law amended or repealed by corporation.

Acts of majority of managing committee binding. Power of managing committee may be delegated.	SEC. 16 Any acts, agreements or conveyances executed by a majority of the managing committee shall be as effectual as if concurred in by all of them; and said managing committee may delegate to any three, two or one of them any rights or powers herein granted to them; and authority to perform any act or make any agreement, instrument, or conveyance which might be made by all of them acting together.
Standing officer may resign	SEC. 17. Any standing officer may resign at any meeting of the managing committee or by written notice to the president, or secretary.
Meetings of managing committee.	SEC. 18. Meetings of the managing committee may be called by the president and shall be called by the secretary upon request of the president, or any three members of said committee due notice of the time and place of being given by mail addressed to the last known place of residence of each member of said committee at least ten days before the date of meeting.
Members of corporation may resign.	SEC. 19. Any member of the corporation may resign at any meeting of said corporation or by written notice to the president or secretary, and the membership of any member of the corporation may be terminated, and any standing officer may be removed in such manner as the by-laws shall provide, after due notice, and hearing for failure to take an interest in the objects and purposes of the corporation, or if his manner of living becomes incompatible with the purposes of said corporation, or for any other cause which may be deemed good and sufficient.
How and for what cause membership may be terminated or standing officer removed.	
Votes by ballot may be taken through mail.	SEC. 20. Votes of the managing committee, or of the corporation, or of any committee, on any matter may be taken by ballot through the mail in such manner as may be provided by the by-laws.
Territory defined.	SEC. 21. The term "territory" in this act shall include all real estate at any time owned, or held under lease, by said corporation, and all lots and lands leased by it to any person.
Members not personally liable for debts of corporation.	SEC. 22. The corporators, their associates and successors shall not be individually or personally liable for the debts, contracts, obligations or torts of the corporation.
When corporation deemed organized.	SEC. 23. The corporation shall be considered organized upon the ratification of this act without a meeting or further notice, and the officers herein named may exercise the powers herein conferred immediately upon said ratification: <i>Provided</i> , that the incorporators under this act shall acquire by purchase or otherwise all realty in the territory affected by this act, and
Proviso: Incorporators to acquire all realty in territory	

Provided further, that section seven of this act remain in full force and effect.

SEC. 24. This act shall be considered a public act and shall be in force and effect from the date of its ratification.

Ratified the 2d day of March A. D. 1897.

affected and prohibition clause to remain in effect.

This declared public act and in force from its ratification.

CHAPTER 197.

An act to provide for the erection of a school building for the deaf and dumb.

The General Assembly of North Carolina do enact:

SECTION 1. That the sum of ten thousand dollars (\$10,000) be and the same is hereby appropriated for the year one thousand eight hundred and ninety-seven, and ten thousand dollars (\$10,000) for the year one thousand eight hundred and ninety-eight, for the purpose of erecting and equipping a school building for the North Carolina school for the deaf and dumb.

Ten thousand dollars annually appropriated for two years.

SEC. 2. That the state treasurer shall pay out said appropriations of twenty thousand (\$20,000) dollars upon the warrant of the board of directors of the said North Carolina school for the deaf and dumb.

To be paid on warrant of Board of Directors.

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

Ratified the 2d day of March, A. D. 1897.

CHAPTER 198.

An act directing the secretary of state to furnish certain supreme court reports to Johnston county.

The General Assembly of North Carolina do enact:

SECTION 1. That the secretary of state be and he is hereby directed to furnish to the clerk of the superior court of Johnston county, for the exclusive use of said county, the supreme court reports of North Carolina, beginning at volume (1) one to volume (63) sixty-three inclusive, or so many of same as may now be on hand in the office of the secretary of state, and the others as soon as they may come into his office.

Secretary of State to furnish certain Supreme Court Reports for use of county.

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

Ratified the 2d day of March, A. D. 1897.

CHAPTER 199.

An act authorizing Concord to issue bonds if a majority of the registered voters vote in favor of bonds.

The General Assembly of North Carolina do enact :

Election to be held within twelve months on bond issue.

SECTION 1. That the Commissioners for the town of Concord are hereby authorized and empowered to cause an election to be held at the various polling places in said town at such times as said commissioners may appoint within twelve months from the ratification of this act, and to submit to the qualified voters of said town, the question of issuing bonds to the amount of forty thousand dollars, for the purposes and under the provisions hereinafter named in this act, and levying and collecting annually a special tax to provide for the payment of the interest thereon and to provide a sinking fund for the payment of the principal of said bonds when they shall become due.

Amount of issue.

Special tax.

How election advertised and held.

The said election shall be advertised by the said commissioners for thirty days immediately preceding the day of election, in some newspaper published in said town, and held by inspectors and judges under the same rules and regulations provided for the election of State and county officers.

Ballots.

Those who are in favor of issuing said bonds, and levying and collecting said taxes shall vote a written or printed ticket with the words "for bonds" thereon and those who are opposed shall vote a written or printed ticket with words "against bonds" thereon.

How result ascertained and returned.

The result of the election shall be ascertained by the inspectors and judges of election of the respective wards and certified and returned by them to the commissioners for the town of Concord within two days from the day of election who shall verify and also certify such result and cause the same to be recorded in their minutes.

Purpose of bonds :

SEC. 2. Said bonds shall be used for the following purposes only.

To pay floating debt of town.

First, it shall be the duty of the commissioners for the town of Concord to first call in and pay all the outstanding floating indebtedness of said town at the date of the issue of said bonds, after the paying said indebtedness then the commissioners for the town of Concord may divide the remainder of said bonds into two classes.

Remainder of bonds to be divided into two classes.

First. The purchase and improvement of the water works of the town and this act shall be their authority for the purchase, and second, the improvement of the streets of the town of Concord.

That if a majority of the qualified registered voters of said town shall vote "for bonds," and said bonds shall be sold then it shall be unlawful for the commissioners for the town of Concord to issue any script or other evidence of indebtedness on the credit of the town for the payment of any expense or indebtedness that the town may incur in the government or improvement of the same and should the town authorities issue such script or other evidence of indebtedness, then it shall be void and of no value.

SEC. 3. If a majority of the qualified voters of said town shall vote "for bonds," then the commissioners for said town shall issue coupon bonds not to exceed in amount the sum of forty thousand dollars, and in denominations of not less than one hundred dollars and not more than one thousand dollars, bearing interest from the date of their issue at a rate not exceeding five per cent. (5%) per annum, payable semi-annually, either at the Concord National Bank or the Cabarrus Savings Bank of Concord, North Carolina, at the option of the holder of such bonds, on the first day of January and July of each year, until said bonds are paid.

The said bonds shall be made payable at the expiration of thirty years from the date thereof: *Provided*, that said bonds shall be issued and sold for the purposes named and provided in section two (2) of this act, and only when, and as needed for said purposes, and each class of bonds shall bear upon their face the specific purpose for which they are issued.

The bonds and coupons shall be numbered, and shall be signed by the mayor and countersigned by the clerk of the board of commissioners, and sealed with the corporate seal of the town of Concord.

A record shall be kept of all bonds, showing the number, amount and to whom sold. The coupons shall be received in payment of all taxes, fines and debts due said town. Said bonds shall be sold for not less than par value.

SEC. 4. In order to pay the interest on said bonds, the commissioners for said town are hereby authorized, and it shall be their duty, to annually compute and levy, at the time of levying other taxes for said town, a sufficient special tax upon all polls and all property, real and personal, and other subjects of taxation mentioned in the charter of the town of Concord and acts amendatory thereto, which shall be returned or listed for

Purchase and improvement of water works.
Improvement of streets.

If bonds issued unlawful to issue scrip.

Scrip, if issued, declared void.

If majority vote for bonds, bonds to be issued.

Amount of issue.
Denominations.

When interest payable.

When bonds payable.

Proviso :
Bonds to be sold only for purposes named.

Bonds to bear on their face the purposes for which issued.

Bonds numbered and authenticated.

Record of bonds.
Coupons receivable for debts to town.

Not sold at less than par.

Special tax for payment of interest.

Limitation.	general taxation in said town, always observing the constitutional equation between the tax on property and the tax on polls, not exceeding twenty (20) cents on the one hundred (\$100.00) dollar valuation of property and sixty (60) cents on each poll, with which to regularly and promptly pay the interest on said bonds, said taxes to be collected in the same manner and at the same time the other taxes of said town are collected, and shall be paid over by the town tax collector to the treasurer of said town, which officer shall give justified bonds in amounts amply sufficient to cover said taxes, the former for collecting and paying over, and the latter for the safe keeping and proper disbursement of said funds.
To be collected as other taxes.	
Tax collector and treasurer's bonds.	
Special taxes kept separate from other taxes. To be used only for purpose for which levied. Mayor or Commissioner appropriating tax to any other purpose, guilty of misdemeanor. Proviso : Surplus of any one year applied to interest of next year.	SEC. 5. That the taxes levied and collected for the purposes specified in section four (4) of this act shall be kept separate and distinct from any and all other taxes, and shall be used only for the purpose for which they were levied and collected, and any mayor or commissioner who shall appropriate by vote or otherwise to any purpose, directly or indirectly, other than that for which they were levied, any of said special taxes, or any part thereof, or shall in any other way violate the provisions of this act, shall be guilty of a misdemeanor: <i>Provided</i> , that if the taxes levied and collected for the payment of interest shall in any year exceed the sum required for that purpose, the amount in excess shall be applied to the credit of the interest fund for the next succeeding year, and said commissioners at the time of levying taxes for payment of interest for said next succeeding year, shall take into consideration said excess, and compute and levy said tax accordingly.
Special tax for sinking fund.	SEC. 6. For the purpose of creating a sinking fund with which to pay the principal of the bonds issued under this act, it shall be the duty of said commissioners, at and after the expiration of twenty (20) years from the date of said bonds, to annually levy and collect a special tax in addition to that mentioned in section four (4) of this act, and the tax provided for in this section shall equal in amount one-tenth ($\frac{1}{10}$) of the amount of bonds issued under this act; and whenever the amount of taxes collected under this section, together with the interest accumulated from the investment thereof as provided in section seven (7) of this act, shall be sufficient to pay off the principal of all outstanding bonds, then said commissioners shall cease to levy taxes for said sinking fund.
Amount to be levied annually.	
When levy to cease.	
How sinking fund invested.	SEC. 7. That it shall be the duty of said commissioners to annually invest any and all moneys arising from the special tax collected under section six (6) of this act in the purchase of any of said bonds at a price deemed advantageous to said town by

said commissioners; but in case said bonds cannot be purchased as herein provided, the said commissioners may lend said sinking fund, or any part thereof, in such sums as they may deem proper, for a length of time not exceeding beyond six (6) months prior to the date of maturity of said bonds, taking as security for the repayment thereof, and for the payment of the interest thereon, mortgages or deeds in trust in the name of the mayor of said town, on sufficient real estate; or bonds issued under this act may be taken as collateral security for such loan.

The notes or other evidences of debt given for any loan under this section shall be executed to and in the name of "the commissioners for the town of Concord," and shall bear interest payable annually at a rate not less than six per cent. per annum; and in case the commissioners for said town shall not be able to lend any or all of said money annually as directed above, they may and it shall be their duty to cause such part as they are unable to invest to be deposited with some national bank trust company or safe deposit company of undoubted solvency, at the best obtainable rate of interest, and any and all interest arising from the investment as above directed, shall be re-invested in the manner as above provided.

How notes for sinking fund executed.

Money not loaned to be deposited.

But any mayor or commissioner of said town, who shall be personally interested, directly or indirectly, in any loan, shall be guilty of a misdemeanor.

Mayor or Commissioner interested in loan guilty of misdemeanor.

SEC. 8. That this act shall take effect from and after its ratification.

Ratified the 2d day of March, A. D. 1897.

CHAPTER 200.

An act to amend chapter one hundred and seventy three (173), Public Laws one thousand eight hundred and ninety-five (1895).

The General Assembly of North Carolina do enact:

SECTION 1. That section ten (10), chapter one hundred and seventy-three, (173) be and the same is hereby amended by adding the words, "Beaufort and New Hanover counties" at the end of said section.

Provisions of act extended to Beaufort and New Hanover counties.

SEC. 2. That the provisions of said chapter one hundred and seventy-three (173), laws of one thousand eight hundred and

Counties to which act applies.

ninety-five), shall apply and be applicable to the counties of Beaufort, New Hanover, Bladen, Sampson, Perquimans, Bertie, Henderson and Washington counties in all respects.

How rafts of logs measured.

That Chapter 173 of Public Laws of 1895 be further amended by adding after the word "logs" in second line of section (3) three of said chapter the words "by the superficial or board measure."

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

Ratified the 2d day of March, A. D. 1897.

CHAPTER 201.

An act to amend chapter 214, laws of 1893.

The General Assembly of North Carolina do enact :

County commissioners to elect Superintendent of Health annually and fix his compensation.

SECTION 1. That section 5 of chapter 214, laws of 1893, be amended as follows: Strike out all after the word "county," as it first appears in line 3 of said section down to the word "from" in line six of said section. That said section shall be further amended by striking out the word "ballot" in line six of said section, and inserting between the words "by" and "to" in line six of said section the following: "The board of commissioners of each county, annually, on the first Monday in May of each year." That the said section shall be further amended by striking out the words "two years" in line seven of said section. And the said section shall be further amended by inserting after the word "health" and before the word "his" in line seven of said section, the following: "And the said board of commissioners shall fix the compensation of said county superintendent of health."

SEC. 2. That section 5 of chapter 214, laws of 1893, be further amended by striking out all of said section after the word "commissioner" in line 20 down to the word "provided" in line 24.

SEC. 3. That section 7 of said chapter 214, laws of 1893, be and the same is hereby 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 its ratification.

Ratified the 2d day of March, A. D. 1897.

CHAPTER 202.

An act to locate the line between this state and Tennessee.

The General Assembly of North Carolina do enact:

SECTION 1. That the county surveyors of Graham and Cherokee counties be and they are hereby authorized, appointed and fully empowered to survey and locate the boundary line between said counties and the state of Tennessee, to the top of the Tennessee Ball Mountain. They shall run said line according to the calls set out in the act of the General Assembly of North Carolina at its session of one thousand eight hundred and twenty-one (1821), being chapter forty-one (XLI.) of said acts, and entitled, "An act to confirm the boundary line between this state and the state of Tennessee, and for other purposes. The said surveyors shall follow the calls contained in said chapter, and mark and distinctly locate said line, and hereafter in all the courts of this state, and for every purpose whatever, the line so located and marked by said surveyors shall be the true line between North Carolina and Tennessee.

County surveyors of Graham and Cherokee counties to survey and locate line.

How line shall be run and marked.

Line so run and marked to be held the true line. Surveyors may employ assistance.

SEC. 2. The said surveyors may employ such assistance as they may need.

SEC. 3. The auditor of the state is hereby authorized to draw his warrant on the treasurer of the state for three hundred \$300.00 in favor of said county surveyors for locating said line, and out of same they shall pay all expenses of the survey, and establishing said line, and the treasurer shall pay said warrant: *Provided*, said warrant shall not be drawn until a copy of said survey, with the calls distinctly set forth, be transmitted to the secretary of state, signed officially by said surveyors. The secretary of state shall file said survey in his office for future use.

Pay of surveyors and expenses of survey.

Proviso: Warrant not drawn until survey filed. Secretary of State to file survey.

SEC. 4. In all indictments and proceedings in the courts of this state, for every and all purposes whatsoever the line so located by the said surveyors shall be recognized as the true line between this state and Tennessee.

Courts to recognize line surveyed as the true line.

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

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

Ratified the 1st day of March, A. D. 1897.

CHAPTER 203.

An act regulating the procuring and distribution of dead bodies for the promotion of medical science.

Board for delivery and distribution.

Rules and regulations.

Record to be kept.

Officers having charge of dead bodies required to be buried at public expense, or of executed criminals, to notify board.

Such bodies to be delivered to the board or its agents.

Notice not to be given if body is claimed for burial.

Nor in case of travelers dying suddenly.

Bodies to be distributed by board.

Board may employ carriers. Bodies to be enclosed in suitable cases. Bodies to be buried.

SECTION 1. The professors of anatomy of the several medical colleges of the state shall be a board for the delivery and distribution of dead human bodies for the purposes hereinafter provided. The said board shall have power to make rules and regulations for their government and the proper discharge of their functions.

SEC. 2. They shall keep a record of all their proceedings and of all bodies received and distributed, which record shall at all times be open to the inspection of each member of the board, and of the solicitor of each district in the state.

SEC. 3. All officers, agents and servants of every city in the state, and every prison hospital, jail or other public institution having charge or control of any dead human body which is required to be buried at the public expense, and every officer or other person having charge or control of the body of a person upon whom the sentence of death for crime has been executed under the law shall notify the said board of such person or persons as may from time to time be designated by the board or their duly authorized officer or agent whenever and as soon as any such body comes to his or their possession, charge or control, and shall, without fee or reward, deliver such body and permit the said board and its agents to take and remove said body to be used for the advancement of medical science, but no such notice need be given, nor shall any such body be delivered (except in the case of criminals) if any person claiming to be and satisfying the authorities in charge of said body that he is of kin or related by marriage to the deceased, shall claim the body for burial and pay the expenses thereof, nor shall notice be given if the deceased was a traveler who died suddenly.

SEC. 4. The bodies received shall be distributed by the board to and among the colleges aforesaid. For the purposes of distribution the body shall be held subject to the order of the Board or their authorized agents not less than (24) twenty-four hours.

SEC. 5. The said board may employ a carrier or carriers for the conveyance of said bodies, which shall be well enclosed in a suitable case and deposited free from public observation.

SEC. 6. After the said bodies shall have been sufficiently used for the purposes of instruction, they shall be decently interred by the colleges receiving them.

SEC. 7. Neither the state nor any city nor any officer or agent thereof shall be at any expense by reason of the delivery or distribution of any such bodies as are mentioned in section three (3), but all the expenses thereof and of the said board in relation thereto shall be paid by those receiving the said bodies in such manner as may be prescribed by the board as agreed upon.

Expense of delivering bodies and of the board to be borne by colleges.

SEC. 8. If any person fail or refuse to perform any duty imposed by this act, he shall for every such failure or refusal be fined not less than one hundred dollars nor more than five hundred dollars.

Persons failing or refusing to perform any duty under this act to be fined.

SEC. 9. *Provided*, that this act shall not authorize the delivery of the body of any one who shall die at the home for the aged and infirm.

Proviso: Act does not apply to homes for the aged and infirm.

SEC. 10. This act shall go into effect from and after its ratification.

Ratified the 1st day of March, A. D. 1897.

CHAPTER 204.

An act to amend chapter sixteen (16), section six hundred and seventy-seven (677) and section seven hundred and one (701) of "The Code."

The General Assembly of North Carolina do enact:

SECTION 1. That section six hundred and seventy-seven (677), chapter sixteen (16) of *The Code*, be amended by inserting after the word "railroads" and before the word "or" in line (3) of said section the following words, "leasing or maintaining or operating railroads already constituted."

Corporation for leasing or maintaining and operating railroads not to be chartered under general law.

SEC. 2. That section seven hundred and one (701), chapter sixteen (16) of *The Code*, be amended by striking out the word "or" in line one (1) and inserting the word "and" in lieu thereof.

"And" substituted for "or" in first line.

That the said section be further amended by adding the following after the word "repealed" in line fourteen (14) of said section: *Provided*, nothing in this chapter shall authorize or empower corporations organized under this chapter to lease, operate, maintain, manage or control any railroad already built or which may be constructed hereafter.

Corporation chartered under general law not to lease, operate, maintain, manage or control railroad.

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

Ratified the 2d day of March, A. D. 1897.

CHAPTER 205.

An act to allow certain fraternal benevolent orders to come within the provisions of section 3063 of The Code.

The General Assembly of North Carolina do enact :

Section
amended.

Companies
exempt.

SECTION 1. That section three thousand and sixty-three (3063), volume two of *The Code*, be amended so as to read as follows :

Section 3063. This chapter not to extend to Masonic, Odd Fellows, or other benevolent associations. Nothing in this chapter shall be construed to extend to the Masonic or Odd Fellows association, or to the Royal Arcanum, Knights of Pythias, Progressive Endowment Guild of America, Royal Benefit Society, International Fraternal Alliance, Knights Templars and Masonic Life Indemnity Company, the Improved Order of Heptasophs, or Knights of Honor, 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 have been incorporated under the laws of this state, and do not solicit business through agents.

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

Ratified the 2d day of March, A. D. 1897.

CHAPTER 206.

An act to amend chapter 320, laws 1891, establishing a railroad commission.

The General Assembly of North Carolina do enact :

Action for pen-
alty to be
brought in
county where
penalty incurred.

SECTION 1. That section ten of chapter 320 of the laws of one thousand eight hundred and ninety-one be, and the same is hereby amended by striking out all after the word "tried" in line thirteen, down to and including the word "costs" in line twenty, and inserting in lieu thereof, "an action for the recovery of any penalty under this act shall be in the

county in which said penalty has been incurred, and shall be instituted in the name of the State of North Carolina, on the relation of the railroad commission against the company incurring such penalty, or whenever such action is upon the complaint of any injured person or corporation it shall be instituted in the name of the State of North Carolina, on the relation of the railroad commission, upon the complaint of such injured person or corporation against the company incurring such penalty. Such action shall be instituted and prosecuted by the attorney general, or the solicitor of the judicial district in which such penalty has been incurred, and the judge before whom the same is tried shall determine the amount of compensation to be allowed the attorney general or such solicitor prosecuting said action for his services, and such compensation so determined shall be taxed as a part of the cost. The procedure in such actions, the right of appeal and the rules regulating appeals, shall be the same as are now provided by law in other civil actions.

How action
instituted.

Action to be
instituted and
prosecuted by
Attorney Gen-
eral or Solicitor
of district.
Judge to fix com-
pensation of
prosecuting offi-
cer.
Compensation so
allowed to be
taxed as cost.
Procedure.

SEC. 2. That section thirteen of said act is hereby amended by adding after the word "railroad" and before the word "steamboat" in line four of said section the words "street railway" and by striking out the words "street railways excepted" in line nine of said section. This shall not apply to street railways whose lines are wholly in the corporate limits of any town, unless such street railway does a business of hauling freight.

Jurisdiction of
commission
extended to
street railways.
But not to street
railways wholly
within incorpo-
rated towns and
not hauling
freight.

SEC. 3. That section seventeen of said act be, and the same is hereby amended by adding after the word "company" and before the word "who" in line two of said section the words "express or telegraph company."

Jurisdiction as
to reports
extended to
express and tele-
graph compa-
nies.

SEC. 4. That section twenty-six of said act be, and the same is hereby amended by inserting in line seven between the words "and" and "any" the following: "and also authorized to require said telegraph companies to locate agencies at railroad stations, and extend their lines and establish agencies not exceeding one mile from any railroad station, and shall make or cause to be made just and reasonable rules and regulations for the receiving, forwarding and delivery of telegraphic messages." In line eight, between the words "commissioner" and "shall," add the following: "or guilty of a violation of the rules and regulations provided and prescribed by said commissioner."

Commission may
require tele-
graph companies
to extend lines
and establish
agencies.

Shall make rules
for receiving,
forwarding and
delivering mes-
sages.
Company vio-
lating rules liable
to penalty.

SEC. 5. That this act shall take effect from and after its ratification.

Ratified the 2d day of March, A. D. 1897.

CHAPTER 207.

An act to aid the North Carolina institution for the education of the deaf, dumb and blind.

Preamble.

WHEREAS, the colored department of North Carolina Institution for the Education of the Deaf and Dumb and the Blind is seriously handicapped in its work and hindered in its efforts to teach the male pupils trades, without which they must go out into the world largely unprepared to fight its battles, and the dormitories are now overcrowded, there being twice as many occupying the various rooms as is healthful; and,

WHEREAS, there is no more room for building purposes upon the premises, and,

WHEREAS, there is imminent danger to the whole structure owing to the location of the boiler in the basement of the centre of the main building; and,

WHEREAS, this one boiler is not sufficient to furnish heat for even the present building, and there is no room in the apartment for an additional one; therefore,

The General Assembly of North Carolina do enact:

Appropriation for new buildings, heating plant and furniture for colored department.

SECTION 1. That for the purpose of completing the projected wing upon the northern exposure of the colored department, purchasing additional land, erecting an additional wing for dormitory, and a building for industrial instruction and heating plant, and for the necessary furniture and appliances, the sum of eleven thousand five hundred dollars be appropriated in 1897, and eleven thousand five hundred dollars be appropriated in the year 1898.

Out of any funds not otherwise appropriated.

SEC. 2. That the state treasurer is hereby authorized and empowered to pay to the board of trustees of the said institution the sum mentioned in section 1 of this act out of any funds not otherwise appropriated.

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

Ratified the 3d day of March, A. D. 1897.

CHAPTER 208.

An act to repeal chapter 202, laws of 1895, abolishing the office of tax collector in Forsyth county.

The General Assembly of North Carolina do enact:

Act to repeal and office of tax-

SECTION 1. That chapter 202 of the public laws of eighteen hundred and ninety-five, entitled "an act to regulate the collec-

tion of taxes in the county of Forsyth," be and the same is hereby repealed, and the office of tax collector established under said act be and the same is hereby abolished. collector abolished.

SEC. 2. That the collection of taxes in the county of Forsyth shall devolve upon the sheriff of said county, under the same regulations, duties and penalties as are now provided by law for the collection of taxes under the general law of the state regulating the same. Collection of taxes to devolve on sheriff.

SEC. 3. That the sheriff of Forsyth county shall, on or before the first Monday in June, 1897, execute the bonds for the collection of taxes for the year 1897, to be approved by the board of county commissioners with like penalties, justifications and surety as are now provided by law for other officers charged with the collection of taxes, such bonds not to exceed the amount of state and county taxes. Sheriff to execute bonds. Amount of bonds.

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

Ratified the 3d day of March, A. D. 1897.

CHAPTER 209.

An act to amend chapter ninety-four of the acts of 1876-'77.

The General Assembly of North Carolina do enact :

SECTION 1. That Section 1 of Chapter 94 of the Acts of 1876-'77 be amended by striking out of the third line of said section the word "Griffinsville" and inserting in lieu thereof the word "Marshville." Name of town changed.

SEC. 2. That it shall be unlawful to sell spirituous, vinous or malt liquors within the corporate limits of said town. Unlawful to sell liquors within corporate limits.

SEC. 3. That any person who shall violate the provisions of section two of this act shall be guilty of a misdemeanor, and on conviction shall be fined or imprisoned in the discretion of the court. Misdemeanor. Penalty.

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

Ratified the 3d day of March, A. D. 1897.

CHAPTER 210.

An act to abrogate and repeal the charter of the Goldsboro and Morehead Railway Company.

Preamble.

WHEREAS, on the 30th day of October, 1896, Henry Wiel, — Bizzle and ——— Silverton, filed in the office of the clerk of Wayne county articles of incorporation, and on same day obtained from the secretary of state letters patent for a corporation under the name of the Goldsboro and Morehead Railway Company, for the expressed purpose of leasing the Atlantic and North Carolina Railroad; and,

WHEREAS, it was never intended that corporations formed under Chapter 16 of *The Code*, as the aforesaid corporation was formed, the requirements of Chapter 47 of *The Code*, entitled railroads, not having been complied with, should lease railroads, and the power to lease is *ultra vires* of corporations formed under Chapter 16 of *The Code*; therefore,

The General Assembly of North Carolina do enact:

Charter abro-
gated and
repealed.

SECTION 1. That the charter of the Goldsboro and Morehead Railway Company, filed in the office of the clerk of the superior court of Wayne county and in the office of the secretary of state, and the letters patent issued by the secretary of state to the Goldsboro and Morehead Railway Company be and the same are hereby abrogated and repealed, and the secretary of state is hereby required and directed to refund the charter fee.

Charter fee to
be refunded.

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

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

Ratified the 3d day of March, A. D. 1897.

CHAPTER 211.

An act to amend section 3512 of The Code.

The General Assembly of North Carolina do enact:

Commissioners
of navigation for
port of Ocracoke
Inlet.

SECTION 1. That section (3512) thirty-five hundred and twelve of *The Code* be amended by striking out all after the word "Dare" in fourth (4th) line, to the word "of" in sixth (6th) line, and insert in lieu thereof the following: William E. Howard, Christopher O. Neal, Sr., and Gilbert O. Neal, of the county of Hyde, D. R. Roberts and J. W. Gilgo.

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

Ratified the 3d day of March, A. D. 1897.

CHAPTER 212.

An act to amend the road law of Cabarrus county.

The General Assembly of North Carolina do enact:

SECTION 1. That section one (1) of chapter two hundred and thirty-four (234) of the laws of North Carolina, enacted at the session one thousand eight hundred and eighty-five (1885), be and the same is hereby repealed in so far as it applies to townships one, two, three, four, five, six, eight, eleven and twelve of said county: *Provided*, that this act shall not in any way change the provisions of chapter one hundred and forty-two (142) of the laws of North Carolina, enacted at session one thousand eight hundred and ninety-three (1893).

Chapter 234, section 1, laws 1885 repealed as to certain townships.

Proviso:
Repeal not to change provisions of chapter 142, laws of 1893.

SEC. 2. That section three (3) of chapter three hundred and sixty-one (361), laws of North Carolina, enacted at session one thousand eight hundred and eighty-nine (1889), be and the same is hereby amended by striking out in the fifth line of said section the words "not exceeding four" and inserting in lieu thereof the word "two": *Provided*, that this amendment shall apply only to townships one, two, three, four, five, six, eight, eleven and twelve of Cabarrus county, and, *provided, further*, that this amendment shall not take effect till the first day of September, A. D. 1897.

Two days work required of road hands.

Proviso:
Amendment to apply only to certain townships.
Proviso:
When amendment to take effect.

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

Ratified the 3d day of March, A. D. 1897.

CHAPTER 213.

An act for the protection of school entertainments, &c.

The General Assembly of North Carolina do enact:

SECTION 1. That any and all persons who shall, when intoxicated or otherwise, willfully interrupt or disturb any picnic, excursion party, school entertainments, political meeting, or any meeting or other organization whatsoever lawfully and peaceably held, either at, within or without the place where such picnic, excursion party, school entertainments, political meetings, or any meeting or other organization is held, shall be guilty of a misdemeanor, and fined or imprisoned in the discretion of the court.

Misdemeanor for any person while intoxicated or otherwise willfully to interrupt or disturb any picnic, excursion, school entertainment, political or other meeting.

Penalty.

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

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

Ratified the 3d day of March, A. D. 1897.

CHAPTER 214.

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

The General Assembly of North Carolina do enact:

Special tax
authorized.

SECTION 1. That the board of commissioners of Haywood county are hereby authorized and empowered at their regular meeting in June, (1897) eighteen hundred and ninety-seven and (1898) eighteen hundred and ninety-eight, to levy a special tax on property and polls in said county for the purpose of discharging and paying the general and special indebtedness of said county.

Purpose of tax.

Limitation.

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 one hundred dollars worth of property and seventy-five cents on the poll, and the constitutional equation between the property and the poll shall always be observed in making such levies.

To be collected
and accounted
for as other
taxes.

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.

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

Ratified the 3d day of March, A. D. 1897.

CHAPTER 215.

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

The General Assembly of North Carolina do enact:

Special tax
authorized.

SECTION 1. That the commissioners of Dare county be and they are hereby authorized and empowered to levy a special tax for the years eighteen hundred and ninety-seven (1897) and eighteen hundred and ninety-eight (1898), said special tax not to exceed ten cents on the one hundred dollars valuation of property and thirty cents on each poll, to pay the outstanding debts of said county.

Limitation.

Purpose of tax.

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

Ratified the 3d day of March, A. D. 1897.

CHAPTER 216.

An act to incorporate the Commonwealth Insurance Company.

The General Assembly of North Carolina do enact :

- SECTION 1. That Joseph D. Smith, M. D. Willard, Clayton Giles, E. M. Berry and F. A. Lord, and all other persons who may hereafter be associated with them, in the name and style of "The Commonwealth Insurance Company," are hereby constituted a body politic and corporate, to have succession for ninety-nine years, and by that name may sue and be sued, appear, prosecute and defend in any court of record, or other court, or places whatsoever, and may have and use a common seal, and may hereafter break and renew the same at will, and may purchase and hold such real and personal estate as may be deemed necessary to effect the object of this association, and may sell and convey the same at pleasure, and may make, establish and put in execution such by-laws, ordinances and resolutions, not being contrary to the laws of this State and of the United States, as may be necessary and convenient for their regulation and government and for the management of their affairs, and do and execute all such acts and things as may be necessary to carry into effect the provisions of this act.
- SEC. 2. That the affairs of this company shall be governed and managed by a board of directors, to consist of not less than three nor more than fifteen members or stockholders, as may be regulated by the by-laws of the company ; and the president and two directors may constitute a quorum for the transaction of business unless the by-laws prescribe a greater number.
- SEC. 3. That the persons named in the first section of this act are hereby constituted a board of directors to serve as such until others are chosen, which may be done by them.
- SEC. 4. That the board of directors shall elect a president and secretary and such other officers as they may see fit, who shall hold their offices for one year, and until others are chosen and qualified in their places.
- SEC. 5. That the home office of this company shall be in the city of Wilmington, in the State of North Carolina, but may be removed to any other town or place in the State whenever the directors may deem it necessary or convenient to promote the business of the company.
- SEC. 6. That this company may insure against loss or damage by fire, lightning, wind or tornado, or any other insurance whatever that the directors may deem proper, including life,

Corporators.

Corporate name.

Term of corporation.
Corporate powers.

By-laws.

Directors.

Quorum.

First directors.

Other officers.

Term of office.

Home office of company.

Authorized to do general insurance business.

accident and surety insurance, and this company is hereby vested with all powers that any insurance company has, or may have, to transact business in this State; and they may charge and receive such premiums as may be agreed upon by this company and the parties insured; and payment of such premiums may be made in cash or by note, as may be decided upon by the board of directors.

May operate as a mutual or joint stock company. Or may combine both places.

SEC. 7. That this company shall have authority to transact business either as a mutual or a joint-stock insurance company, or may combine the two places as the stockholders or members may decide.

When to begin business if as a mutual company.

SEC. 8. If the company should transact business as a mutual company only, they shall be authorized to commence business as soon as twenty-five or more persons shall have agreed in writing to become policy-holders, and shall have made application for at least fifty thousand dollars insurance.

When to begin business if as a stock company.

SEC. 9. If the company should transact business as a stock company, it shall be authorized to commence business as soon as twenty-five thousand dollars shall have been subscribed to the capital stock, and ten thousand dollars paid in or properly secured.

When to begin business as if on both plans.

SEC. 10. If the company should decide to transact business both as a stock and mutual company, it shall be authorized to commence business when the provisions of both the preceding sections shall have been complied with.

Stockholders not individually liable.

SEC. 11. That the stockholders of said corporation shall not be liable for any loss or damage or responsibility in their person or property other than the property they have in the capital stock or funds of the said corporation to the amount of shares respectively held by them, and any profit arising therefrom not divided.

Liability of participating policy holders.

SEC. 12. That the policy-holders of said corporation who may hold policies, which participate in the profits of the company may be held liable in the event the funds of the company may not be sufficient to meet any losses, for an amount equal to twice the sum of one annual premium on their respective policies.

Company to have benefit of and comply with general insurance law.

SEC. 13. That nothing herein contained shall be so construed as to prevent this company from receiving any of the benefits, or from complying with any general insurance law that may hereafter be enacted.

How corporate funds invested.

SEC. 14. That the board of directors may invest and employ the funds of the company in such way and manner as they may judge that the interest and welfare of the company may require.

SEC. 15. That in the event this company should transact business only as a mutual company each policy-holder shall have one vote in all meetings of policy-holders, and may authorize any other policy-holder to act as his proxy. In the event the company should transact business solely as a joint stock company, or should it transact business as a mutual and joint stock company, the affairs shall be managed by the subscribers to the capital stock only, under the usual rules applicable to joint stock companies, subject to such by-laws as may be adopted.

Votes of policy-holders if organized as a mutual company only.

Company managed by stockholders if organized as a stock or mutual and stock company.

SEC. 16. That this act shall be in force from and after its ratification.

Ratified the 3d day of March, A. D. 1897.

CHAPTER 217.

An act to enable the commissioners of Cumberland county to refund their outstanding indebtedness.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be lawful, and authority is hereby given for the board of commissioners of Cumberland county to issue bonds in lieu and in payment of those bonds of said county which were given in payment of subscription to the capital stock of the Western Railroad Company, authorized by act of assembly passed at the session one thousand eight hundred and seventy-four (1874), and one thousand eight hundred and seventy-five (1875), ratified the nineteenth (19) day of March, one thousand eight hundred and seventy-five (1875), subject to the provisions of section seven (7).

Bonds to be issued in payment of bonds heretofore issued.

SEC. 2. That the bonds issued in pursuance of this act shall be in denominations of one hundred (100.00) dollars, five hundred (500.00) dollars and one thousand (1,000.00) dollars, payable in lawful money of the United States as the said board of commissioners in their discretion may direct, bearing interest at a rate not exceeding six (6) per centum per annum, for which interest, warrants or coupons shall be attached, payable on the first (1st) day of June and December of each year, until said bonds become due, which shall be thirty years after the date of their issue; and said board of commissioners may issue said bonds payable thirty (30) years after the date of their issue or if in their discretion they so elect, they may issue said bonds

Denomination of bonds.
In what currency payable.

When bonds become due.

Bonds may be issued subject to call.

payable thirty (30) years after the date of their issue reserving to themselves the privilege of calling in and paying said bonds, or any part of them at any time after the expiration of ten (10) years from the date of their issue, and said bonds shall not begin to bear interest until the first (1st) day of June, one thousand eight hundred and ninety-seven (1897).

How bonds
signed and
attested.

Register of
bonds.

SEC. 3. That the said board, before said bonds are issued, shall cause them to be signed by their chairman and countersigned by their clerk and have their corporate seal affixed, and it shall be the duty of the clerk of said board to keep a complete and full register of all bonds so issued, giving the date of issue the number and amount of the bond to whom issued, and what money or bonds were received in exchange therefor, and thereafter until said bonds shall be fully redeemed.

And it shall be the duty of the treasurer of Cumberland county to keep an account with each bond, showing what coupons and parts of the bonds are paid until it shall be fully redeemed.

Bonds may be
exchanged or
sold.

Bonds not to be
sold at less than
par.

No more bonds
issued than
necessary to take
up previous
issue.

Proceeds of
bonds used for
no other purpose.

Special tax to
pay interest and
create sinking
fund.

How sinking
fund invested.

SEC. 4. That said board of commissioners shall have power to issue said bonds for a like amount of the bonds issued under authority of said act of assembly at the session one thousand eight hundred and seventy-four (1874) and one thousand eight hundred and seventy-five (1875), above referred to, or may sell said bonds at not less than par; and with the proceeds of any bonds so sold they shall pay off a like amount of said bonds issued under authority of said act of one thousand eight hundred and seventy-four (1874) and one thousand eight hundred and seventy-five (1875), and they shall not issue or sell more bonds under authority of this act than is necessary to take up or exchange at par the said outstanding bonds issued under authority of the said act of one thousand eight hundred and seventy-four (1874) and one thousand eight hundred and seventy-five (1875), and the interest coupons now due, nor shall they use the proceeds of any bond or bonds sold under authority of this act for any other purpose than to pay off and discharge the said outstanding bonds and interest coupons due.

SEC. 5. That the said board of commissioners of Cumberland county shall annually levy and cause to be collected a special tax sufficient to pay the interest falling due upon said bonds, and they shall also levy and cause to be collected a special tax sufficient to create a sinking fund of not less than two thousand (\$2,000) dollars in each and every year to pay off and discharge the principal of said debt when the same shall become due, and they may invest the said sinking fund in United States securities or in the bonds named and authorized in this act.

SEC. 6. That upon failure of said board of commissioners to levy and cause to be collected a special tax to pay the interest upon said bonds, and special tax to create a sinking fund as hereinbefore provided, the superior court of Cumberland county may, at the suit of the bondholders, cause the same to be done according to the true intent and meaning of this act, and it shall be a misdemeanor for the said board of commissioners, or any of them, or the sheriff, or the treasurer of Cumberland county, to cause or permit any part of special taxes, as hereinbefore provided for, for paying interest of said bonds and for creating a sinking fund, to be diverted from their purpose or used for any other purpose than that for which they are levied and collected.

Jurisdiction of Superior Court on failure of commissioners to levy tax.

Misdemeanor to divert special tax fund.

SEC. 7. That there shall be commissioners of the sinking fund or funding committee, of not less than three persons nor more than five (5), said committee or commissioners to be appointed by the board of commissioners of Cumberland county, and said commissioners shall constitute the funding committee to fund the debt of Cumberland county as provided in this act, and shall elect one of their number chairman, and shall meet whenever it shall be necessary at the call of their chairman; the said commissioners as above shall have full control, supervision and authority over the exchange or funding of the debt of their county; they shall have said bonds printed, with coupons attached, and shall fund said debt at the lowest rate of interest, and most favorable terms obtainable, and are charged with the responsibility of seeing to it that none of the new bonds are issued, except in exchange for those outstanding of the same denomination, or so secured that no loss or damage can befall the tax payers of Cumberland county.

County commissioners to appoint commissioners of sinking fund.

Chairman and meetings.

Powers of commissioners of sinking fund.

The said commissioners shall be paid by the board of county commissioners a just and reasonable compensation for their services; no bond authorized to be issued under this act shall be put upon the market, transferred or sold, except with the concurrence of a majority of the commissioners of the sinking fund, and then only when signed by the chairman of the sinking fund, as well as the chairman of the board of county commissioners and clerk; the said chairman and commissioners of the sinking fund may act in conjunction or co-operation with the board of county commissioners as to the printing, cost and expenses of the same, and placing of said bonds, but no bond shall be valid in the hands of any person whatsoever except when the same is issued and sold in compliance with the provisions of this act; that said commissioners shall cause notice by mail and advertisement to be made to holders of outstanding bonds to come

Compensation of commissioners.

No bonds sold except with concurrence of commissioners of sinking fund.

Chairman to sign bonds.

No bond valid except when issued and sold in compliance with this act.

Notice to holders of outstanding bonds.

Effect of notice. forward and exchange or receive payment for the same, and if not done the holders or their assigns shall not collect or claim any interest, or demand any, nor have any right of action after the time mentioned in said notice, either upon their bonds or the interest coupons; the funding commissioners shall have power in their discretion to employ agents or brokers to place said bonds, and to pay them such reasonable charges and commissions as they may think proper and just, and do all such other things necessary and just and proper to carry out the provisions of this act according to its spirit and meaning, with due regard to economy and at the least possible cost to the county, consistent with a safe and proper discharge of the duties required of them under this act.

Commissioners of sinking fund may employ agents or brokers.

SEC. 8. That this act shall be in force from and after its ratification.

Ratified the 3d day of March, A. D. 1897.

CHAPTER 218.

An act to authorize the county of Madison to issue bonds and levy a special tax.

The General Assembly of North Carolina do enact:

Issue of bonds authorized.

Amount.

When to become due and where payable.

Denominations.

How bonds signed and countersigned.

Where interest payable.

Coupons receivable for county taxes.

Special tax for payment of interest.

Rate.

SECTION 1. That the commissioners of Madison county are hereby authorized and empowered to issue coupon bonds to an amount not to exceed fifty-five thousand dollars, to be due and payable to bearer at the Western Carolina Bank of Asheville, North Carolina, twenty five years from the first day of July, one thousand eight hundred and ninety-seven, and bearing interest at the rate of six per cent. per annum, payable semi-annually on the first day of January and July each year; said bonds to be in denominations of one hundred, five hundred and one thousand dollars.

The said bonds shall be signed by the chairman of the board of county commissioners and countersigned by the clerk of the board. The interest on coupons shall be payable at the Western Carolina Bank of Asheville, North Carolina, and shall be receivable in payment of all county taxes.

SEC. 2. That in order to meet the interest and raise a sinking fund to meet the principal of said bonds at maturity, a special tax of twelve cents on each one hundred dollars' worth of property and thirty-six cents on each poll shall be levied each year, commencing the first day of June, one thousand eight hundred

and ninety seven, for the payment of the interest on the said bonds; and on and after the first day of June, one thousand nine hundred and twelve, there shall be levied in addition thereto each year a special tax of not more than eleven cents on each one hundred dollars worth of property nor more than thirty-three cents on each poll, which shall constitute and be held as a sinking fund: *Provided*, that in the levy and collection of the same, the constitutional equation between property and poll shall be observed: *Provided, also*, that should the amount collected for interest in any one year exceed the sum due for that year, then the treasurer is hereby directed to hold the same and apply it in the payment of the interest for the succeeding year.

Special tax for
sinking fund.
Rate.

Proviso:
Constitutional
equation to be
observed.
Proviso:
Surplus of tax.

SEC. 3. That the special taxes to be levied by virtue of section two of this act shall be collected by the sheriff of the said county of Madison under the same rules and regulations as are now provided by law for the collection of taxes, and his bond shall be liable therefor as for other county taxes, and he shall pay over the same to the county treasurer in like manner as other county taxes are paid.

To be collected
and paid over as
other taxes.

SEC. 4. That the said bonds shall be placed in the hands of the county commissioners, whose duty it shall be to sell not more than thirty-four thousand dollars' worth of the same to the highest bidder and turn over the proceeds to the treasurer of the said county, who shall hold the same subject to their order.

How part of
bonds sold.

That for the faithful performance of the duties required by this act the said treasurer shall execute a bond, to be approved by the county commissioners, which shall be discharged when the said fifty-five thousand dollars' worth of bonds is disbursed as hereinbefore and after stipulated.

Bond of
Treasurer.

Said treasurer shall also keep a suitable book in which he shall enter the number of the said bonds, the time and the amount of interest paid on the same, and a complete record of the receipts and disbursements under this act, which book shall at all times be open to public inspection; and as a remuneration for his services the said treasurer shall be allowed an amount not to exceed one per centum of the amount of all disbursements on the said fifty-five thousand dollars.

Record of bonds.

Allowance to
treasurer.

Said commissioners are hereby authorized to take up the twenty-one thousand dollars' worth of bonds, or any part thereof, issued under chapter three hundred and ninety-eight of the laws of one thousand eight hundred and eighty-seven, at par value, and issue in exchange therefor an equivalent amount of new bonds issued under this act upon the same terms and conditions as the aforesaid thirty-four thousand dollars' worth

Exchange of
part of bonds for
bonds heretofore
issued.

Proviso:
These bonds to
be used only in
exchange for old
bonds.

Claims to be
approved by
county commis-
sioners.

Bonds not sold at
less than par.

Part of proceeds
to be used for
court house and
jail.

Remainder to be
used in paying
floating debt.

Bonds not to
issue until
approved of vot-
ers of county.

Election to be
held.
Notice of
election.

How election
held and returns
made.

Ballots.

When vote to be
canvassed.

If majority of
qualified voters
of county vote
"for bonds"
county commis-
sioners to issue
bonds and levy
tax.

of bonds: *Provided*, that the twenty-one thousand dollars' worth of bonds mentioned in this section shall not be used or issued except in exchange for the old bonds as hereinbefore set forth.

SEC. 5. That no claim or other indebtedness shall be paid unless the same shall be approved by the board of county commissioners.

SEC. 6. That no bonds shall be sold for less than their par value.

SEC. 7. That the county commissioners are hereby authorized and empowered to use fifteen thousand dollars of the money derived from the sale of the thirty-four thousand dollars' worth of bonds as aforesaid for the purpose of erecting by contract or otherwise a court house and a jail in the town of Marshal, N. C., and to use the remaining nineteen thousand dollars' worth of bonds in paying off the floating indebtedness of the said county.

SEC. 8. That no bonds shall be issued under this act until after a majority of the qualified voters of Madison county shall vote in favor of the same. And the said commissioners may at any time after the ratification of this act call an election giving thirty days' notice by posters in at least three public places in each township in Madison county of the day and purpose of said election, which election shall be held and the returns thereof made under the same rules and regulations as now exist in case of elections for members of the general assembly. At said election all electors may vote on a written or printed ballot. Those approving the issue of bonds, and the levy and collection of taxes as hereinbefore provided for, shall deposit in a ballot box a slip containing the written or printed words, "for bonds," and those disapproving the same shall deposit a like ballot with the written or printed words, "no bonds." The county canvassers shall return and canvass the same at the court house door in the town of Marshal on the third day after said election is held in said county. If a majority of the qualified voters of Madison county shall vote "for bonds" it shall be deemed and held that they are in favor of giving the board of county commissioners of said county authority to issue the bonds authorized by this act and to levy the special tax so authorized, and the said commissioners shall at once proceed to carry out the provisions of this act, after so declaring at the court house door the result of said election.

SEC. 9. That all laws and clauses of laws in conflict with this be and the same are hereby repealed.

SEC. 10. That this act shall be in force from and after its ratification.

Ratified the 3d day of March, A. D. 1897.

CHAPTER 219.

An act for the government of the penitentiary.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter four hundred and seventeen of the laws of 1895 be and the same is hereby repealed.

Chapter 417, Laws 1895 repealed.

SEC. 2. That there shall be a board of directors of the state's prison or penitentiary, appointed by the governor, with the advice and consent of the Senate, composed of nine persons whose terms of office shall begin immediately after their appointment and qualification and continue for four years thereafter or until their successors shall qualify, and whose compensation for services rendered shall be four dollars for each day necessarily spent in discharge of official duty, and five cents per mile for every mile necessarily traveled in going to and returning from the place of their meetings.

Board of directors.
How appointed.
Number of directors.

Terms of office.

Compensation of directors.

SEC. 3. That the board of directors shall have general supervision of the state's prison or penitentiary, and of the employment of all convicts sentenced to imprisonment therein by the courts of the state.

Board to have general supervision of penitentiary.

SEC. 4. That the governor shall, by and with the advice and consent of the senate appoint a chief officer of the state's prison or penitentiary who shall be known as the "superintendent of the state's prison," whose term of office shall be four years from and after his appointment, qualification and filing of bond as hereinafter provided, or until his successor shall qualify and file his bond according to law, and whose compensation shall be a salary of twenty-five hundred dollars per annum. The superintendent shall have charge of the internal police and general management of the institution, and shall give a bond payable to the state in the sum of five thousand dollars, with two or more sufficient sureties, conditioned for the faithful discharge of his duties as prescribed by this act and approved by the auditor of the state.

Governor to appoint "Superintendent of State's Prison."

Term of office.

Compensation.
Superintendent to have general management of institution.
Bond of Superintendent.

Duties of Superintendent.	SEC. 5. That it shall be the duty of the superintendent of the state's prison.
To receive and keep in custody convicts.	(1.) To receive and keep in custody all convicts sentenced to imprisonment in the penitentiary by the courts of this state until discharged according to law.
To keep convicts employed.	(2.) To employ all convicts in his custody within the penitentiary or on farms leased or owned by the institution, and to make contracts on remunerative terms with persons or corporations in order to employ and support as many of the able-bodied convicts on public works as the interests of the state and the Constitution will permit.
To make purchases.	(3.) To purchase at the lowest wholesale prices when practicable all articles necessary to feed, clothe, work and take care of the convicts.
To make sales.	(4.) To sell at the highest market prices all articles manufactured and products produced by the convicts not deemed necessary for their use and comfort for the next ensuing year as and when he may deem best; but any article or product held more than two months for better prices shall be sold when the board of directors shall direct.
When directors may order sales.	
To receive and account for funds.	(5.) To receive and account for all funds derived from the sale of articles produced or manufactured by the convicts and all earnings from whatsoever source, and to make a deposit of the same as often as practicable, and at least once every month, with the treasurer of the state, who shall keep said funds separate from other public funds, and shall disburse the same on account of the state's prison or penitentiary by check or draft upon vouchers consisting of itemized accounts of the claim and an order of payment by said superintendent.
Funds to be deposited with State treasurer.	
Treasurer to keep funds separate from other funds and disburse same for support of penitentiary.	
Duplicates of vouchers.	Duplicates of such vouchers shall be kept and filed in his office by the superintendent, and the original thereof shall be kept and filed, when paid, in the office of the state treasurer for the inspection and approval of the board of directors.
To act as custodian of property.	(6.) To act as custodian of the property belonging to the state's prison or penitentiary, and in the name of the state to take all necessary legal measures to enforce and protect the rights of the state in and to such property, and to that end commence and prosecute suits for the collection of claims as well as for the recovery of property.
With approval of directors appoint wardens and other employees.	(7.) To appoint, with the consent or approval of the board of directors, a sufficient number of wardens, physicians, supervisors, overseers, guards and employees for the purpose of employing and managing the convicts, preserving order among them, preventing their escape, and to require all persons so appointed to take the oath prescribed by sub-section forty-seven of section

three thousand three hundred and fifteen of *The Code*, in addition to those to support the Constitution of the state and of the United States.

(8.) To state and render to the board of directors at the end of each fiscal year a general account between the state and the institution for such year, in which the latter shall be charged with the value of all stock, crops, tools, goods, machinery, fixtures and materials on hand at the commencement of the year, all supplies furnished to the convicts, and all salaries and wages paid to the officers and guards, together with all contingent expenses of the penitentiary during such year, and in which it shall be credited with all work done by the convicts in making permanent improvements on the state's prison, its farms or other public property, with all earnings from other work of the convicts, with the value of all stock, crops, tools, goods, machinery, fixtures and material on hand at the end of the year, and with all other credits necessary to show a true balance on the account.

To render accounts annually.

SEC. 6. That the board of directors shall appoint a clerk of the state's prison, who shall take the same oath as other officers of the institutions, hold office for one year and receive such salary as may be fixed by the board. He shall keep the journal of the board of directors at every meeting, and daily inspect all books of the institution according to an improved system of book-keeping, so that the financial condition of the institution may be ascertained at each meeting of the board of directors. He shall also prepare such statistical tables and documents as the superintendent may desire to accompany his annual report, and shall perform all other clerical duties required by the superintendent or board of directors. He shall have full powers as clerk of the state's prison to administer oaths to officers and guards appointed by the superintendent, and to all persons required to take oaths in all meetings of the board of directors.

Directors to appoint clerk. Clerk to take oath.

Term of office and salary. Duties of clerk.

SEC. 7. That the board of directors may hold regular meetings in Raleigh on the third Wednesday in January, March, July, September and November of each year, and may meet at such other times as the superintendent may request, or a majority of the directors may think necessary; but they shall not at any meeting continue in session more than four days. At their regular meetings they shall receive the bi-monthly report of the superintendent, showing, under oath, an itemized account of his receipts from all sources, and his disbursements of every kind during the two months preceding, and after examining said account by items and compare the disbursements with the original voucher of payment filed in the office of the state treas-

Clerk may administer oaths.

Meetings of directors.

Session limited.

Bi-monthly report of Superintendent.

Directors to pass upon appointments.
To adjust salaries.
To hear reports.

urer, they shall, if it appears correct in all particulars, approve the same. They shall also approve or reject the appointment of officers and guards made by the superintendent since the last meeting, adjust salaries or wages of all appointees, and hear the reports of all officers as to the manner in which the rules for enforcing discipline have been executed.

Investigation may be ordered by Governor or directors.
Clerk to summon witnesses.

SEC. 8. That an investigation may be ordered at any time by the governor or by the board of directors as to a matter concerning the institution or the conduct of persons connected with its management, whereupon the clerk, by order of the board, shall have authority to issue a summons directed to the sheriff of any county in which a material witness may reside, commanding him to summon such witness as may be named to appear at a specified time and place to give evidence before the board touching the matter under investigation. Whenever any such investigation shall disclose any malfeasance in office or incompetency in the discharge of duties on the part of any officer of the institution, the governor shall forthwith order his removal from the office.

Fiscal year.
Inventory taken and filed.
Directors annual report.

SEC. 9. That the fiscal year of the institution shall end on the thirty-first day of December of each and every year, whereupon the superintendent shall take and file, under oath, an inventory of all property of every kind on hand and credited in his general annual account between the state and the penitentiary for such year, and the board of directors shall make an annual report to the governor showing the financial condition of the institution by the inventory and accounts of the superintendent, and also the condition and residence of the convicts. The annual report shall also contain the prices paid for the principal supplies and received for the principal products each month, and also a classification of persons on the pay roll, with the rate of wages paid to each. From the whole number printed for distribution, two hundred copies of such annual report shall be preserved for use of the general assembly.

Copies of report for General Assembly.
Penitentiary, farms and camps to be inspected semi-annually.
Committee of General Assembly.
Pay of directors while inspecting.

SEC. 10. That the condition of the penitentiary, its farms and camps, shall be inspected at least semi-annually by two or more members of the board, and the same shall be examined and reported upon biennially by a joint committee of the general assembly, composed of two senators and three representatives, selected by the chairmen of the committees on penal institutions from both branches, respectively; and directors shall have for such inspection the same *per diem* and mileage as in attendance of meetings.

Superintendent may erect shops

SEC. 11. That the superintendent may, with the consent of the governor, erect additional shops within the walls of the

prison for employment of convicts confined therein, and may lease and equip farms whenever it may become necessary to keep the able-bodied convicts employed: *Provided*, that only the funds already appropriated for the support and employment of the convicts shall be applied to this purpose.

and lease and equip farms.

Proviso:
Only funds already appropriated used.

SEC. 12. That section three thousand four hundred and twenty-seven of *The Code*, all laws amendatory thereto, and all laws and clauses of laws in conflict with this act, be and the same are hereby repealed.

Section 342 of Code and amendatory acts repealed.

SEC. 13. That this act shall be in force from and after its ratification.

Ratified the 3d day of March, A. D. 1897.

CHAPTER 220.

An act to amend chapter 151 of the laws of the year 1891, also chapter 509, laws 1891, relative to Edgecombe county cotton weighers.

The General Assembly of North Carolina do enact:

SECTION 1. That in line three of section two, after the word "Tarboro" add the words or towns of Battleboro and Rocky Mt., and strike out all in section two after the word "weights."

Other towns added and weighers forbidden to deduct for water and damage.

SEC. 2. That all deduction for water or damages shall be regulated by the buyer or buyers and the seller. Any infringement on this statute the bond of the weigher shall be liable for damage.

Tare for water or damage settled by buyer and seller.

SEC. 3. That in the absence or inability of the cotton weighers appointed he may appoint his deputy, who shall be sworn before entering upon the duties of his office.

Deputies.

SEC. 4. This act shall apply to all towns and weighers wholly or part in Edgecombe county where weighers are appointed by county commissioners.

Application.

SEC. 5. That all laws and parts of laws in conflict with this statute is hereby repealed.

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

Ratified the 3d day of March, A. D. 1897.

CHAPTER 221.

An act for the relief of Z. F. Long, clerk of the superior court of Richmond county.*The General Assembly of North Carolina do enact :*

Allowed to be
absent in March
and April.

SECTION 1. That Z. F. Long, clerk of the superior court of Richmond county, be and he is hereby allowed to be absent from his office in March and April, eighteen hundred and ninety-seven.

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

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

Ratified the 3d day of March, A. D. 1897.

CHAPTER 222.

An act to provide for the working of the public roads in Nash county.*The General Assembly of North Carolina do enact :*

Certain prisoners to be available for work on roads.

SECTION 1. That all persons confined in the county jail of Nash county, either under a final sentence of the court for crime, or non-payment of costs or fines, or under final judgment in case of bastardy, or under the vagrant act, and all persons sentenced to the state prison from Nash county for a term of two years or less 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 person convicted in his court to said commissioners for such purposes.

Judge of Superior Court to assign convicts to county commissioners.

Provisions of former laws extended to Rocky Mount and Stony Creek townships.

SEC. 2. That all the provisions of chapter one hundred and thirty-four (134) of the laws of eighteen hundred and eighty-five (1885) as amended by Section 1 and Section 2 of chapter seventy-four (74) of the laws of eighteen hundred and eighty-nine (1889) be and they are hereby extended to Rocky Mount township and to Stony Creek township in Nash county:

Provided, that the provisions of said law is hereby extended to such other township in Nash county as may petition to the county commissioners by a majority of the justices of said township.

Proviso:
Law to extend to
other townships
on petition.

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 3d day of March, A. D. 1897.

CHAPTER 223.

An act to incorporate "The Carolina, Chimney Rock and Tennessee Railroad Company."

The General Assembly of North Carolina do enact:

SECTION 1. That W. J. Davis, W. S. Freeman, W. C. Newland, Robert Henderson, J. Williams, Frank Reynolds, H. G. Ewart, Geo. P. Horton, H. Bellefuelle, W. G. Candler, and such other persons as may become associated with them as stockholders, and their successors, be and they are hereby declared to be a body politic and corporate, under the name of "The Carolina, Chimney Rock and Tennessee Railroad Company," and when organized, as hereinafter provided, said corporation may have and use a common seal, may sue and be sued, plead and be impleaded, in all the courts of the state by and under its corporate name, shall be capable of acquiring, holding, leasing and conveying any property, real, personal or mixed, and may make and exercise such by-laws and regulations for its government as shall be deemed necessary and expedient, not inconsistent with the laws of the land.

Corporators.

Corporate name.

Corporate powers.

SEC. 2. That said corporation is hereby authorized and empowered to build, construct, maintain and operate a railroad, with one or more tracks, to be run by electricity or steam, or both, from some point at or near the town of Rutherfordton, North Carolina, by way of Hendersonville, to the Tennessee line, with the privileges of building and operating one or more branch roads not to exceed forty-five miles in length.

Corporation may build and operate railroad.

Terminal points and route.

Branch roads.

SEC. 3. That the capital stock of said corporation shall be seventy-five thousand dollars, with power to increase the same to three million dollars, in shares of one hundred dollars each.

Capital stock.

How stock may be paid for.

Said stock may be subscribed to be paid for in money, lands, labor, material, stock, securities, bonds, or in any other way agreed upon by the subscribers and said company.

Books of subscription to be opened.

SEC. 4. That the aforementioned corporators, or a majority of them, shall cause books of subscription to the capital stock of said company to be opened at such time and place as they may deem fit, within six months after the date of the ratification of this act; and after the sum of twenty-five thousand dollars has been subscribed to the capital stock of said railroad company, and five per cent. thereof paid in, said corporators shall have power to call said subscribers together for the purpose of completing the organization of said company.

When subscribers to meet and organize.

Directors.

SEC. 5. That said stockholders shall hold a meeting to organize the said company, and annually thereafter, at which meeting they shall elect seven directors, who shall hold office for one year and until their successors shall be elected. In all stockholders' meetings it shall be necessary that a majority of the stock be represented in person or by proxy. That said corporation shall have power to make such by-laws for their government as they may deem proper. The board of directors shall elect one of their number president of said company, and shall elect such other officers as may be provided for in their by-laws, and shall fill all vacancies.

Quorum.

By-laws.

President and other officers.

Right to hold lands and power of condemnation.

SEC. 6. That said corporation shall have the right to take by donation and hold lands for its right of way, depots, grounds, station houses and electric plants and machine houses, and to have land condemned for such purposes in accordance with and in the manner prescribed in the general laws on railroads.

Right to mortgage road, issue bonds and borrow money.

SEC. 7. That said company shall have the right to mortgage said road or any part of the same, and to issue mortgage bonds upon the same, and to borrow money for the purpose of constructing and operating said railroad or any of its branches.

Rights of railroad corporation under general law.

SEC. 8. That said company, when organized in accordance with this chapter, shall have all the rights, privileges and powers which appertain to it as a railroad corporation under the laws of North Carolina.

Guage.

SEC. 9. That said company may adopt a guage for said railroad and change the same at their pleasure.

Municipal corporations may subscribe to stock.

SEC. 10. That any town, township, county or corporation may subscribe to the capital stock of said railroad as provided by law.

How township may make subscriptions to stock.

SEC. 11. That townships desiring to subscribe to the capital stock of the corporation shall make their subscriptions through the board of county commissioners of the county in which said township is situated, in the following manner, to-wit: upon

the petition of one-fourth of the owners of real estate who are qualified voters of such township, setting forth the amount proposed to be subscribed, and whether in money, bonds or property, and praying that the question of "subscription" or "no subscription" shall be submitted to the qualified voters of such township, it shall be the duty of the board of county commissioners of the county in which such township is located to order an election to be held in the said township, at which shall be submitted to the qualified voters thereof the question of "subscription" or "no subscription"; and that all elections held and subscriptions made by townships shall be regulated as is now provided by law for other elections, except as is hereinafter provided by this act for the regulation of elections for subscriptions by counties, townships, cities and towns, and all bonds or other obligations for the payment of township, city, town or county subscriptions shall be signed by the chairman of the board of county commissioners of the county in which said township is situated, witnessed by the official seal of said board, and shall state that the same is to be paid by the tax payers of the township, county, city or town voting the subscription, and it shall be lawful for the board of county commissioners of the county in which said township, city or town is located, at their regular meeting for levying county taxes, to levy annually out of the taxable property of such township, county, city or town, a special tax sufficient to pay the interest on the obligations as it may accrue, and to create a sinking fund for the payment of the principal when it becomes due.

Election to be held.

How election regulated.

How bonds for subscription signed and witnessed.

Special tax for interest and sinking fund.

SEC. 12. That in case any township, county, city or town shall desire to subscribe to the capital stock of the corporation, the board of commissioners of the county in which said township, city or town is situated, upon petition of one-fourth of the qualified voters thereof, showing the amount proposed to be subscribed, and whether in money, bonds or property, and asking that the question of "subscription" or no subscription, be submitted to the people, are hereby authorized and empowered by this act to order an election in said county, township, city or town as the case may be, submitting to the qualified voters thereof the question of "subscription" or no subscription. All persons favoring subscription shall vote a ballot either written or printed with the words "subscription," and those opposed shall vote a ballot, either written or printed, with the words "no subscription."

How subscriptions made by municipal corporations.

Election to be held.

Ballots.

SEC. 13. That said board of commissioners shall, upon receiving a petition of one-fourth of the qualified voters of the county, township, city or town, as the case may be, as aforesaid, order

Commissioners to appoint judges and registrar.

an election to be held, not later than thirty days, in said county, township, city or town, and shall appoint two judges to conduct said election who shall be on different sides of the question, and one registrar. All persons who have attained the age of twenty-one years since the last registration, or who shall attain said age on or before the day of said election, shall be entitled to vote thereat.

Judges to be on different sides of question.
Person coming of age since last registration entitled to vote.

Incorporators, directors and stockholders not individually liable.

SEC. 14. That the incorporators, directors and stockholders in said road shall not be individually liable for the debts of said corporation.

SEC. 15. That this act shall be in force from and after its ratification.

Ratified the 3d day of March, A. D. 1897.

CHAPTER 224.

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

The General Assembly of North Carolina do enact:

Special tax authorized.

Rate.

How tax to be expended and applied.

To be levied and collected as other taxes.

SECTION 1. That the board of commissioners of Beaufort county be and they are hereby authorized and empowered to levy a special tax of thirteen and one-third cents ($13\frac{1}{3}$) on the one hundred dollars valuation of real and personal property in said county, and forty cents (40) cents on each poll annually, for two years, viz.: for the years eighteen hundred and ninety-seven and eighteen hundred and ninety-eight, to be expended and applied for the special purpose of paying the present indebtedness of the county and the interest accrued and accruing thereon and for maintaining, constructing and repairing the public bridges in said county, and the public ferries of said county.

That said special tax shall be levied and collected as are other taxes in said county.

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

Ratified the 3d day of March, A. D. 1897.

CHAPTER 225.

An act to allow the clerk of the superior court of Bladen county to be absent from his office on Mondays.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be lawful for the clerk of the superior court of Bladen county to be absent from his office on Mondays whenever he shall leave said office in charge of an efficient deputy. Clerk allowed to be absent on Mondays.

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

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

Ratified the 3d day of March, A. D. 1897.

CHAPTER 226.

An act to authorize the board of commissioners of Haywood and Jackson counties to levy a special tax to construct a road across Caney Fork Bald.

The General Assembly of North Carolina do enact :

SECTION 1. That the board of commissioners of Haywood and Jackson counties may, in their discretion, at any year hereafter at the time prescribed by law for levying taxes, levy a tax of not less than five cents nor more than twenty cents on the hundred dollars' worth of property (the constitutional equation to be observed between the property and the poll) to be used and expended under the direction of the said commissioners in their respective counties in the construction of a public road leading from Allen's Fork of Richland Creek, in Haywood county, across the Balsam Range of Mountains near Caney Fork Bald to Caney Fork Creek, in Jackson county. Special tax authorized.
Rate.
How tax to be used and expended.

SEC. 2. That the tax levied by the board of commissioners in one of the said counties shall not be available for the purposes of constructing said road in that county until the board of commissioners in the other county shall have provided for the construction of said road by taxation or otherwise in such other county. Action of counties to be mutual.

SEC. 3. That said road shall have a width of not less than sixteen feet, except in places where the roadway must be blasted out in hard rock, and through such places the width of said Width and grade of road.

road shall not be less than twelve feet; and the maximum grade of said road shall not exceed one foot in twenty (1 in 20) except that where insurmountable obstructions make this grade impracticable the grade may be increased to a maximum of one foot in fifteen (1 in 15) for distances not greater than one hundred (100) yards in any one place.

Road to be located by engineer.
How engineer employed and paid.

SEC. 4. That said road provided for in this act shall be located by a competent engineer experienced in such work, to be employed and paid by the county commissioners of Haywood county for the work done in Haywood county, and by the commissioners of Jackson county for the work done in Jackson county, out of funds provided for in section one of this act, in the respective counties, by order of the county commissioners.

SEC. 5. This bill shall be in effect from and after its ratification.

Ratified the 3d day of March, A. D. 1897.

CHAPTER 227.

An act to extend the stock law limits in the county of Wayne.

The General Assembly of North Carolina do enact:

Former laws applicable.

Boundaries of stock law territory.

SECTION 1. That the provisions of chapter one hundred and (115) fifteen of the laws of 1885, and all laws amendatory thereof, shall extend to and be in full force and effect within the following boundaries in the county of Wayne, to wit: Beginning at the point where Reedy branch crosses the present stock law fence in Stony Creek township, and runs thence up said branch to the Alex Hamilton line, then with said Hamilton and A. B. Thompson's line to the Snow Hill road, and across the same to the west side thereof, then with said side of said road to the north side of the road at the Tom Lewis place, leading to Stony Creek church, then with said side of said road to said church and across the Stantonsburg road to the Thomas Crumpler line, then with said line to the path leading to the Mount Carmel road, then with said path to the road at S. D. Montague's, then across the road westerly to the Wilmington and Weldon railroad at I. P. Andrews' corner, then with W. H. Andrews' line to the head of Hook's mill pond, then with Hook's line to James Starling's corner, then with Starling's and Hook's line to Swinson Sherard's corner, then with Hook's and Sherard's line to John William Sherard's line, then across his land southwest to J. W. Thompson's line, then with Thompson's and Sherard's line to

Thompson's and W. B. Vail's corner, then with their line to Thompson's and P. R. Peacock's corner, then with the Yelverton line to the Goldsboro road, then with the road to the present stock law limits near Pearson's bridge, then with said stock law limits to the beginning.

SEC. 2. That the provisions of this act shall not go into effect until the lands hereinbefore described shall be enclosed and notice given as provided in sections 10 and 11 of said chapter, and to the end that it may be speedily enclosed J. W. Thompson, S. D. Montague, I. P. Andrews, O. F. Worrell and H. D. Ham as a committee are authorized and directed to cause to be built around the same a sufficient fence with proper gates as provided for in said chapter, and said committee shall perform the duties, and have all the powers enumerated in sections 10, 11, 12, 13 and 14 of said chapter.

Territory be enclosed and notice given.

Fence committee.

SEC. 3. That the board of commissioners for the county of Wayne shall perform the duties and have all the powers set forth in section 11 of said chapter, except that the notice therein provided for shall be advertised in the *Goldsboro Argus*.

Duties of county commissioners.

Where notice advertised.

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

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

Ratified the 3d day of March, A. D. 1897.

CHAPTER 228.

An act to amend chapter four hundred and twenty-six (426) public laws of one thousand eight hundred and ninety-five (1895).

The General Assembly of North Carolina do enact :

SECTION 1. That in line fourteen of the public laws of one thousand eight hundred and ninety-five (1895) strike out the word "two" and insert the word "one."

Prohibition as to Epworth M. E. Church.

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

Ratified the 3d day of March, A. D. 1897.

CHAPTER 229.

An act to allow the citizens of Gaston county to express their will concerning the proposed removal of the county seat of Gaston county from Dallas to Gastonia, and to remove the county seat as aforesaid if a majority of the qualified voters of the said county shall desire it.

The General Assembly of North Carolina do enact :

Election to be provided for.

SECTION 1. That the board of commissioners of Gaston county, within sixty days after the ratification of this act, shall provide for the holding of an election to ascertain the will of the people of Gaston county in this state as to the removal of the county seat of Gaston county from its present location at Dallas to the town of Gastonia in the said county. The election

When election to be held.

shall be held during the month of August in the present year, 1897, and upon such a day of that month as the board of county commissioners shall decide upon and designate in their order calling said election, and the board of commissioners shall give notice of said election by posting a copy of the order calling the same at the court house door in Dallas, and three other public places in Gaston county, at least sixty days before the date of said election, and by publishing the said order for sixty days prior to the date of the election in one or more newspapers published in Gaston county.

Notice of election.

Commissioners to appoint registrar. Registration days.

The board of commissioners shall appoint a registrar in and for each election precinct in the said county of Gaston, which registrar, during the time elapsing between the thirteenth day and the third day next before the said election (Sundays excepted) shall register in a book which the board of commissioners shall furnish to him the name of all persons applying to him for registration, during that period of time, whose names are not now on the general registration books of Gaston county, and who will be, on the day of the said election, qualified to vote in that precinct under the general election law of the state.

Who entitled to register.

Registration under general election law.

The registrar in making this registration shall administer the same oaths, require the same information, and make the same record that registrars under the general election laws of the state administer and require and make.

Who entitled to vote.

The duly qualified electors registered by the registrars appointed by this act, and the duly qualified electors whose names are already registered in the registration books of Gaston county, shall be allowed to vote at the said election.

The clerk of the superior court of Gaston county shall furnish the said general registration books of the county to the registrars of the respective precincts fifteen days before the date of the election; and they shall be returned to the clerk of the court by the messengers who shall carry to Dallas the certificates of the votes cast in the respective precincts. The board of county commissioners shall also appoint two judges of election for each election precinct in the county. The registrars and the judges of election for each precinct shall constitute the board of election for that precinct; and this board of election shall provide a suitable box in which the ballots shall be cast. Those in favor of the removal of the county seat of Gaston county from Dallas to the town of Gastonia as aforesaid shall vote a ticket on which shall be the words, "For removal," and those not in favor of the removal as aforesaid shall vote a ticket on which shall be the words, "Against removal." The board of election of each precinct shall conduct the election in such particulars as are not provided for in this act in the manner specified by the general election law of the state.

The board of election of each precinct shall, as soon as the polls are closed, count the ballots and declare the results, and make and sign a certificate thereof, under the hands and seals of at least two of the said board, and shall, by the hand of one of the members of the board, deliver the said certificate to the register of deeds of Gaston county as clerk to the board of county commissioners of Gaston county, who shall present the said certificate to the board of commissioners at their next meeting.

The board of county commissioners of Gaston county shall meet in the court house in Dallas on the second day after the day of said election, shall receive the said certificates from the register of deeds, shall cast up the votes as certified to by the boards of election as aforesaid, and shall declare the result, and shall record the said certificate and result upon the minute books of the said board of county commissioners.

SEC. 2. If a majority of the qualified voters of the county of Gaston shall, at the election provided for in section one of this act, have voted in favor of the removal of the county seat of Gaston county from Dallas to Gastonia as aforesaid, the board of commissioners of the said county of Gaston shall, within six months after the date of the said election, contract for the purchase of such real estate in the town of Gastonia, and for the erection therein of such court house and jail as may be necessary for county purposes, and shall in such contract or contracts provide that the necessary county buildings shall be com-

General registration books to be furnished to registrars.

How books returned to clerk of court.

County commissioners to appoint judges of election.

Precinct board of election.

Board of election to provide ballot boxes.

Ballots.

How election conducted.

How vote counted and returned.

Duty of county commissioners.

Duty of county commissioners if majority be for removal.

Buildings to be ready for occupancy by 1st January, 1899.

Papers, books, documents and county property to be moved.

Gastonia to be county seat after 1st January, 1899.

Compensation of registrars and judges of election.

Laws repealed and extent of repeal.

pleted and ready for occupancy in the town of Gastonia before the first day of January, 1899; and shall cause all court papers, books and documents, all county papers, books and documents, and all movable county property, kept in Dallas as county seat of Gaston county, to be removed to Gastonia before the first day of January, 1899, after which date the town of Gastonia shall be in all respects whatsoever the county seat of Gaston county.

SEC. 3. The board of county commissioners of Gaston county shall pay the registrars and judges of election appointed under this act whatever compensation the board may deem reasonable for their services and for the providing of ballot boxes.

SEC. 4. All laws and parts of laws in conflict with the provisions of this act are hereby repealed so far as they apply to any election that may be held under the provisions of this act.

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

Ratified the 3d day of March, A. D. 1897.

CHAPTER 230.

An act to change the name of Normal and Industrial School to The State Normal and Industrial College and for other purposes.

The General Assembly of North Carolina do enact:

Name changed.

SECTION 1. That the words "The State Normal and Industrial College" are hereby substituted for the words "The Normal and Industrial School" wherever the name of said institution occurs in the laws of North Carolina.

Secretary of State to furnish certain books to college.

SEC. 2. That the Secretary of State be and is hereby instructed to turn over to the Normal and Industrial College for its library two copies each of the Colonial and State Records, and one copy each of all laws, records, and other books in his possession suitable for the library.

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

Ratified the 3rd day of March, A. D. 1897.

CHAPTER 231.

“An act to improve the roads in Union county by taxation.”

The General Assembly of North Carolina do enact :

SECTION 1. That the board of commissioners of Union county shall levy annually on the first Monday in June of each year a special road tax for Monroe township, in the said county of Union, which tax in no case shall exceed twenty-five (25) cents on the one hundred (\$100.00) dollars worth of property, and seventy-five (75) cents on the poll, at all times observing the constitutional equation, which said road tax shall be collected as other taxes, and shall be a separate fund to be used in Monroe township for the purpose of maintaining a “chain-gang,” or working convicts on the public roads in said township, and no other.

Special tax for Monroe township.

Rate.

To be collected as other taxes.

Purpose of tax.

SEC. 2. That said board of county commissioners shall have power and authority to purchase tools, material, stock, machinery, appliances, and all other things whatsoever deemed by them necessary for the purpose of working convicts on the public roads, and all debts heretofore made by said county for road machinery or otherwise shall be paid by the said county of Union, and all contracts shall be carried out.

County commissioners to purchase tools and implements.

SEC. 3. That the road-bed constructed, prepared or worked by the “chain-gang” under this act, shall not be less than twenty-four (24) feet nor more than thirty-four (34) feet wide; one-half of which shall be macadamized as soon as expedient, and the whole of which shall be made as straight as practicable and graded.

Width and construction of road-bed.

SEC. 4. That the chairman of the board of county commissioners shall be *ex officio* road commissioner for Union county, and as such shall direct the laying out of the roadway, say when and where to work: *Provided*, he shall not work any road more than three (3) miles from the court house, until each and every other public road leading therefrom shall have been worked that distance; require the superintendent to do his duty, and in every way have control over and direct the working of the convicts in Union county. It shall be his duty to employ a superintendent of the “chain-gang,” and necessary guards and servants for working and caring for the convicts worked under and by authority of law; he shall prescribe their duties, and may discharge them at any time for cause, all of which duties of the road commissioner shall be subject to the control and approval of the full board of county commission-

Road commissioner.

Proviso: Roads to be worked equally.

Road commissioner to direct work.

Commissioners to employ superintendent of chain-gang, guards and servants.

Road commissioner subject to control of county commissioners.

On failure of commissioner superintendent to proceed.

Power to enter upon lands for road purposes.

Damages agreed upon.

In case of disagreement damage assessed by arbitration.
Right of appeal.

Proviso:
Cost to be first paid.

Roads to be also worked under general law.

Board of commissioners to employ physician for convicts.

Special tax for other townships.

Rate.

To be collected as other taxes and used solely for road purposes.
Each township to use its own taxes.

ers, and in the event of any failure of the road commissioner to discharge his duty, the superintendent shall proceed under his own discretion.

SEC. 5. That for the purpose of laying out, opening up, constructing or working any public road in the said county, the road commissioner, or any one acting under his authority, shall have the right to enter upon the lands of any person whose land the road may pass over, and may proceed to open the road and use stone, earth, timber, or any necessary material, doing as little injury as possible to the premises, for opening, constructing and working such road, and he shall have authority to agree with the owner thereof for damages thereto, and the sums so agreed upon shall at once be certified by him to the board of county commissioners, and shall be ordered by them paid out of the road fund. In case they fail to agree, then each shall select one arbitrator, and they two shall select a third, who shall all together assess the damages; from this award the injured party may have a right of appeal to the superior court: *Provided*, he shall first pay the cost accrued, which shall be repaid by the losing party in the final determination of the matter.

SEC. 6. That the preceding sections of this act shall not alter or change any law now in force applicable to the general working of the roads in said township, except that the overseer working and keeping in repair the roads constructed by the "chain-gang" shall at all times be under the direction of the road commissioner provided in this act, and any overseer refusing to act as directed shall be guilty of a misdemeanor.

SEC. 7. That the board of commissioners shall have authority to employ a physician to attend the convicts worked on the public roads, and shall have power and authority to do and perform all things necessary to carry into effect the provisions and object of this act.

SEC. 8. That the said board of county commissioners of Union county shall levy a special road tax for each and every other township in the said county of Union, which tax shall in no case exceed fifteen (15) cents on the one hundred (\$100.00) dollars' worth of property and forty-five (45) cents on the poll, nor less than ten cents on the one hundred dollars' worth of property and thirty cents on the poll, at all times observing the constitutional equation, which said tax shall be collected as other taxes, and shall be kept separate and be used for the expressed purpose of constructing, preserving and repairing the public roads in the respective townships, each township using the amount paid by it and no more: *Provided*, that whenever

a petition signed by one-third of the qualified voters of any township mentioned in this section shall be presented and filed at least three months prior to any general election before the board of county commissioners, asking that an election shall be held in said township, it shall be the duty of the county commissioners of said county to submit to said voters the determination of the question of whether said tax shall be levied, and if a majority of the qualified voters of the townships shall vote, "No Taxation," then the said taxes shall not be levied and collected; otherwise the said taxes shall be collected as provided in this act. The said election shall be at a general election, and shall be held under the general election laws. The said county commissioners shall provide a separate box for receiving the ballots in said election.

Proviso:
Petition for
election.

If majority of
qualified voters
vote "no taxation"
tax not to
be levied.

When and how
election to be
held.

Vote to be in
separate box.

SEC. 9. That the board of supervisors in the several townships of Union county, other than in Monroe township, shall be a body corporate, and shall be styled "Board of Supervisors of Public Roads of ——— Township," and as such shall have power to sue and liability to be sued, and shall have authority and control over the public roads fund levied and collected in its township; shall, by and through the chairman and secretary of the road committee, provided for in this act, draw all orders on the county treasurer for moneys ordered paid by them for road purposes, under and by authority of this act, and they shall have power and authority to divide the roads of their respective townships into districts, which shall include one or more sections, and employ an overseer for one or more districts, and pay such overseer a sum not exceeding one dollar and twenty cents per day, for time actually put in on said work, and may contract for needed supplies, labor, tools and all things necessary to the successful working of their respective roads: *Provided*, they shall not pay more than sixty cents per day for labor.

Supervisors
incorporated.

Corporate name.

Corporate
powers.

May divide roads
into districts.

Employ over-
seers.
Pay of overseers.

Proviso:
Rate for labor.

SEC. 10. That the said board of supervisors shall keep a true and correct account of all funds and the purpose for which the same is expended, in a book kept for that purpose, and it shall at all times be open for inspection to any person desiring to see the same; they shall also keep a correct inventory of all tools and other property bought for road purposes, and shall require a receipt from any overseer receiving same, and such overseer shall be individually liable for any property turned over to him, and shall receive no pay for his services until he has satisfaction from property unaccounted for; and any overseer may be discharged at any time for cause.

Accounts to be
kept by super-
visors.

Inventory of
tools and prop-
erty.

Meetings of
supervisors.

SEC. 11. That the said board of supervisors shall meet at some place in their respective townships to be named by their chairman, on the second Monday of January, March, August and November of each year, and the chairman may, at the request of a majority of the board, call a meeting at any other time. They shall at their first meeting after the tax levy, and annually thereafter, elect three of their number, including their chairman and secretary, as road committee for their respective townships, which committee may meet at any time named by its chairman, and at any other meetings, except those in January, March, August and November, the committee so elected shall have all the power and authority to do and perform all the duties herein given to the board of supervisors, subject to the control and approval of the said board.

Road committee.

Committee to
have power of
full board.

County treasurer
to be custodian
of road funds.
Bond of
treasurer.
How funds to be
paid out.

SEC. 12. That the county treasurer shall be the custodian of all the funds collected under this act, and for the safe keeping of which he shall give bond as is now required for other moneys received by him, and shall pay out the same upon orders made by the chairman and secretary of the respective townships, keeping each a separate fund; and in Monroe township on the order of the board of county commissioners, and shall make with the board of county commissioners a settlement of each separate fund on the first Monday of January, March, May, August and October of each year.

Settlements.

Liability to road
duty under gen-
eral law.

SEC. 13. That in any of the townships except Monroe township, all persons of road age, as now provided by law, shall work six days and no more, in each year, on the public roads, and as to this work the general law shall apply, and the overseer of a district shall have all the power, duties and authority as is given under the general law to overseers as to working the roads, or over the persons of road age, in sections as they now are, or may be hereafter made, and included in their respective districts: *Provided*, that any person who refuses to obey the direction of the overseer as to work while on the road shall be guilty of a misdemeanor, and on conviction shall be fined five dollars.

Proviso:
Failure to obey
overseer a mis-
demeanor.
Penalty.

Road tax may be
worked out.

SEC. 14. That any person shall have the right to work out the amount of his road tax on the public roads of his township, within one week of his application, when road work is in progress, and having done so at a price not exceeding the amount paid to other laborers, the overseer shall give to such person a certificate so stating, which shall be accepted by the sheriff on his said taxes: *Provided*, if such person fail or refuse to work as directed by the overseer, he shall not receive any certificate for his labor.

Rate of allow-
ance.

Certificate
receivable on
tax.

Proviso:
Person not work-
ing as directed
to receive no
certificate.

- SEC. 15. That no public road shall be less than 16 feet clear of stumps and runners, and the same shall have a ditch on either side, fully sufficient to carry all the water, and shall be kept open. And for the purposes of working, constructing or repairing any road, the overseer in charge shall have the right to take stone, earth or other material from the adjoining lands, doing as little damage to the premises as the circumstances of the case will admit, and shall upon request of the owner, give to him a certificate of the damage done, and the amount of same, and if the amount named be satisfactory to the injured party, the same shall be ordered paid by the road committee of the township; and if not accepted by such party, then each shall elect an arbitrator, and the two thus chosen a third one, which three shall decide the matter, and the party dissatisfied may have the right of appeal to the superior court of the county by paying all costs.
- SEC. 16. That any supervisor or overseer giving to any person an order or certificate for any purpose, and knowing the same be false, shall be guilty of a misdemeanor. And any supervisor or person refusing to do any road work, imposed upon him by law, shall be guilty of a misdemeanor and fined not less than five dollars, and all fines, penalties or forfeitures imposed and collected for an omission, violation or otherwise, of the road law, shall be placed in the road fund of the township in said county in which it was collected.
- SEC. 17. That the road committees of the several townships shall receive one dollar per day for their services while actually engaged in road duty: *Provided*, no one shall receive more than ten dollars in any one year.
- SEC. 18. That at any time during the year when any public highway shall be obstructed, the road committee shall have such obstruction removed without delay, and for this purpose shall have the right to perform the duties of an overseer of roads, in event there be no overseer present to have such obstruction removed.
- SEC. 19. That the tools heretofore purchased by the county commissioners of Union county, may be used by any township to which the county commissioners may assign them: *Provided*, they are not needed by the "chain-gang."
- SEC. 20. That whenever the supervisors of any township shall request in writing the county commissioners to work the convicts in their townships, it shall be the duty of the county commissioners to levy and collect a tax of twenty-five cents on the hundred dollars worth of property, and seventy-five cents on the poll of all persons and property in said township subject to

Description of road-bed.

Powers of overseer to take material.

Certificate for damages when agreed on.

Damages in case of disagreement settled by arbitration.

Right of appeal.

Supervisor or overseer giving false order or certificate guilty of misdemeanor. Refusal of any person to do road work a misdemeanor. Penalty. Fines for violation of road law to go to road fund.

Pay of road committee.

Proviso: Limit.

Obstructions in roads to be removed without delay.

Tools purchased by county to be used by any township. Proviso: When not needed by chain-gang.

Township petitions for use of convicts.

Special tax.

Convicts to be assigned to township if to be spared from chain-gang.

Convicts to be assigned to road work.

Convicts assigned from other counties.

Secretary of State to furnish copies of act.

taxation, and when the money so levied shall be collected, it shall be the duty of said county commissioners to assign to said township the convicts asked for, if they can be assigned without injury or affecting the efficiency of the "chain-gang" provided for in the first seven sections of this act.

SEC. 21. That any judge holding court in the said county of Union shall sentence all persons convicted of any violation of law, and not punished by fine, for which such person may be sentenced to road work under the laws of the state, to work on the public roads of the said county of Union, and any judge of any criminal or judicial district, holding court in any county in the state not having a "chain-gang," may, upon application made by the board of commissioners of said county of Union, sentence any person convicted as aforesaid to be worked on the public roads of the said county of Union.

SEC. 22. That the secretary of state shall furnish two hundred copies of this act to the board of commissioners of Union county for distribution among the road supervisors.

SEC. 23. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 24. That this act shall be in force from and after its ratification.

Ratified the 5th day of March, A. D. 1897.

CHAPTER 232.

An act to prohibit hunting birds upon any lands in the counties of Haywood, Mecklenburg and others.

The General Assembly of North Carolina do enact:

Unlawful to hunt birds on lands without consent of owners. Counties affected.

Persons offending guilty of misdemeanor. Penalty.

SECTION 1. That it shall be unlawful for any person to hunt birds upon the lands of another in the counties of Haywood, Mecklenburg, Beaufort, Rockingham, Union, and Currituck, with or without guns or dogs, except by the consent of the owners.

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.

SEC. 3. That this act shall go into effect from after its ratification.

Ratified the 3d day of March, A. D. 1897.

CHAPTER 233.

An act to work the public roads of the county of Cherokee.

The General Assembly of North Carolina do enact:

SECTION 1. That the justices of the peace of the various townships shall meet at some convenient place in their townships, and elect three of their number, on the first Monday in May, 1897, and each succeeding year thereafter, who shall be styled road supervisors for their respective townships.

Road supervisors.

SEC. 2. And said supervisors are required to hold (3) three regular meetings in each year, to-wit: on the first Monday in May, September and January, for the purpose of looking after the public roads, and may have such other meetings as they may deem necessary.

Meetings of supervisors.

SEC. 3. They shall elect from their number a chairman and a clerk, and said clerk shall keep a record of all the proceedings of the board, and shall have charge of all the books and papers of the board, and issue all orders from the board.

Chairman and clerk.
Duties of clerk.

SEC. 4. They shall, at their first meeting in May, 1897, and annually thereafter, appoint overseers on each division of the public roads, and allot hands to work on said roads: *Provided*, that for the purposes of this act all roads heretofore laid off by the county commissioners or worked by their order shall be considered public roads, and they shall be classed as first, second and third class; first-class roads to be sixteen feet wide, second-class to be twelve feet wide, and third class to be ten feet wide, except in case of solid rock, when each class may be two feet narrower, all roads to be kept clear of stumps and runners, and ditched on at least one side, so as to carry off the water, except in places where impracticable on account of solid rock.

Supervisors to appoint overseers and allot hands.
Proviso: Public roads defined.

Roads classified.
First class.
Second class.
Third class.

SEC. 5. The board of supervisors shall inspect the roads of their respective townships twice a year, and report the condition of each section of road, with the name of the overseer of the same, on or before the first Monday of each term of the superior court of the county, to the clerk of said court, who shall lay said report before the Solicitor of the district, and it shall be the duty of the solicitor to inspect said reports and to prosecute all delinquents.

Supervisors to inspect roads and report to Superior Court.

Solicitor to inspect reports and prosecute delinquents.

SEC. 6. Each overseer shall work all the hands allotted to him at least six days in each year, and shall keep his road in good repair; he shall warn each hand at least two days before each working by personal or written notice. Written notice may be left at the usual place of residence of the hand, and shall constitute legal notice, stating the time, place and tool, and length

Overseers to work and keep roads in repair.

Notice to road hands.

- Proviso:
Amount of work
required. of time required to work: *Provided*, that no hand shall be required to work more than three days in any one week, unless in case of damage to road by storm, wash-out or some other good reason: and *Provided further* that, if any hand shall furnish an able-bodied substitute, or shall pay to the overseer of the road seventy-five cents for each day he is required to work, on or before said day, he shall be discharged from said work, and for the purpose of this act not more than ten nor less than seven hours shall constitute a day's work.
- Proviso:
Substitutes or
money payments
in lieu of work. SEC. 7. The overseer of each section of road shall make a written report to the township board of supervisors at each regular meeting of said board, of the number of days worked by each hand, since last meeting, and the amount of money, if any, received by him in lieu of work, and the manner in which he has expended it; and whether any hand or hands have failed to work, after being legally warned, and said report shall be sworn to before some person qualified to administer oaths.
- What constitutes
day's work. SEC. 8. It shall be the duty of each overseer to prosecute all delinquent hands who shall fail to work after being legally warned, before some justice of the peace in the county.
- Reports of over-
seers. SEC. 9. All able-bodied males between the ages of eighteen and forty-five years, except the board of supervisors of the townships, shall be required to work on the public roads: *Provided*, that the commissioners of the county may exempt persons from working for both poverty and infirmity.
- Reports to be
sworn to. SEC. 10. Any person failing to work upon the public roads, or pay seventy-five cents, when so required, shall be guilty of a misdemeanor, and fined two dollars for each day which he was warned to work, and the cost of the action, or may be imprisoned not more than thirty days, and justices of the peace shall have jurisdiction: *Provided*, that either party may appeal to the superior court.
- Overseer to prose-
cute delinquent
hands. SEC. 11. Any board of supervisors, or each member thereof, and each overseer, who shall fail to discharge the duties herein required of them, shall be guilty of a misdemeanor, and shall be fined not more than fifty dollars nor less than five dollars for each offence, or imprisoned not more than thirty days, in the discretion of the court.
- Who required to
work on roads. SEC. 12. It shall be the duty of the solicitor of the district to prosecute all road supervisors and overseers, and it shall be the duty of the grand jury to return all such supervisors and overseers, who shall fail to do their duty as contemplated in this act.
- Proviso:
Commissioners
may exempt. SEC. 13. The constables of the various townships in the county shall execute all orders of the board of supervisors of the town-
- Persons failing
to work or pay
guilty of misde-
meanor.
- Penalty.
- Proviso:
Right of appeal.
- Supervisors and
overseers failing
in duty guilty of
misdemeanor.
- Penalty.
- Duty of solicitor
and grand jury.
- Constables to
execute orders of
supervisors.

ships, and shall be paid by the county for the same, as sheriffs are now paid: *Provided*, that the sheriff shall execute the orders on failure of the constables to do so.

Pay of constables.
Proviso:
Sheriff to act on failure of constable.
Power of county commissioners over roads.

SEC. 14. The board of commissioners of the county shall have exclusive power to establish, alter or discontinue all roads in the county, as heretofore provided in *The Code*.

SEC. 15. That two hundred and fifty copies of this act shall be published and furnished to the register of deeds of Cherokee county.

Printed copies of act to be furnished.

SEC. 16. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 17. That this act shall apply to the county of Cherokee only.

SEC. 18. That this act shall be in force from and after its ratification.

Ratified the 5th day March, A. D. 1897.

CHAPTER 234.

An act to repair certain stock law fence in Robeson county.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be the duty of the county commissioners of Robeson county, on the first Monday in April of the current year, and on the first Monday in January of each succeeding year or as soon thereafter as possible to let out to the lowest responsible bidder or bidders the repairing of all stock law fences in the following townships, to wit: Blue Springs, Lumber Bridge, Red Spings, Smith, Thompson, Alfordsville and Maxton townships and in all cases where these fences have been repaired by the citizens of the above townships during the current year of 1897, prior to the letting out of contracts as above provided, it shall be the duty of said commissioners to allow a reasonable compensation to any of such citizens for said repairs and order the payment of the same from any funds that may be collected as hereinafter provided.

Fences in stock law territory to be repaired by contract.

SEC. 2. That the aforesaid commissioners shall levy on the real property of citizens living within the stock law limits of the above mentioned townships, such tax as may be necessary to repair said stock law fence: *Provided*, said tax shall not exceed one-fourth of one per cent. on the dollar in any year, to be collected in the same way and at the same time as the state and

Compensation to citizens for repair.

Tax on real property in stock law territory.

Proviso:
Rate.
To be collected as other taxes.

How funds
applied.

county taxes are collected and these funds are to be applied, each township taxes to the fences in that township and to no other; said taxes for the purposes of repairs to be levied from year to year as may be found necessary to keep up said fences, which fences shall be four and one-half feet high and substantially built.

Height of fences.

Upon sworn
complaint com-
missioners to
have fences
inspected.

SEC. 3. That said county commissioners, on the sworn complaint of five freeholders living in any one or more of said townships, to the effect that any part of said stock law fence in any one or more of said townships have not been repaired as provided in the last clause of section two of this act, are hereby authorized and required to appoint some discreet person or persons, not exceeding three in number, to inspect said fence within twenty days after their appointment, who shall report the result of their inspection in writing to the next regular meeting of said county commissioners, who are hereby authorized to allow reasonable pay to said inspectors out of the funds collected as described in section two of this act.

Pay of
inspectors.

Inspector failing
to report or mak-
ing false report
guilty of misde-
meanor.

SEC. 4. Any person appointed to inspect said fence, as provided in this act, who shall wilfully and negligently fail to make said report as required by this act, or who shall wilfully and knowingly make a false report of the condition of said fence or fences, shall be guilty of a misdemeanor, and fined or imprisoned at the discretion of the court.

Penalty.

Failure of county
commissioners to
repair fence a
misdemeanor.

SEC. 5. If said county commissioners shall wilfully or negligently fail to have said fences repaired when it shall be made known to them, by the report of the person or persons appointed to inspect said fences, that said fences are in need of repair, the said county commissioners shall be guilty of a misdemeanor, and fined or imprisoned at the discretion of the court.

Penalty.

SEC. 6. All laws in conflict with this act are hereby repealed.

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

Ratified the 3d day of March, A. D. 1897.

CHAPTER 235.

An act to regulate the sale of liquor in Cumberland County, and to establish a Dispensary.*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person to sell, barter or exchange, any spirituous or malt liquors in the county of Cumberland, except by licensed druggist, conducting drug-stores, and manufacturers of proprietary medicines are hereby authorized to purchase for the purpose of compounding medicine, tinctures and extracts that cannot be used as a beverage. If said licensed druggist shall sell, barter, give away or exchange or in any manner dispose of said liquor for any purpose other than authorized in this section, he shall upon conviction, be liable to a fine of fifty dollars for such and every offence, which shall go to the school fund of the county.

Unlawful to sell spirituous or malt liquors within county.

Exception as to licensed druggists and manufacturers of medicines.

Penalty on druggist selling otherwise than authorized.

SEC. 2. That R. P. Buxton, Dr. T. D. Haigh, and A. A. McCaskill (compensation shall be one per cent each on the net receipts) shall constitute the dispensary board for Cumberland county, and shall fill any vacancy that may occur hereafter by death or resignation.

Dispensary board and compensation.

Board to fill vacancies.

SEC. 3. The dispensary board of Cumberland county, shall establish one or more dispensaries in said county, one in the city of Fayetteville, which shall be the county dispensary and such other outside of said city of Fayetteville, as said dispensary board may deem proper, for the sale of spirituous and malt liquors. Said dispensary board shall elect or appoint a manager for each dispensary established, who shall have charge of the same under the supervision of the dispensary board, and who shall hold said position of manager of said dispensary, at the pleasure of said dispensary board. Said manager shall be required to give bond, payable to the chairman of the board of county commissioners, in such sum as the dispensary board may determine, not less than five hundred dollars, conditioned to account for all moneys that may come into his hands as such manager, and for the faithful performance of the duties of his office of manager, as prescribed in this act and in the rules and regulations of said dispensary board, and said manager shall receive such salary or compensation as may be fixed by the said dispensary board: *Provided*, his salary or compensation shall not be fixed by or dependent on the amount of sales.

Dispensaries to be established. County dispensary in Fayetteville.

Dispensary board to elect managers.

Manager to hold at pleasure of board.

Manager to give bond.

Salary of manager. Proviso: Salary not dependent on amount of sales.

SEC. 4. The manager of the county dispensary at Fayetteville, under the supervision of the county dispensary board, shall purchase all spirituous, vinous and malt liquors, in such

Manager of county dispensary to make purchases under

supervision of board.

Proviso:
Pure liquors now
in hands of
liquor dealers.

How dispensary
expenses paid.

Sales to be for
cash only.

Dispensers to
settle monthly.

Dispensary
board to make
rules for govern-
ment of dispen-
sary.

No dispensary to
be open after
sun-set.

Liquors to be
sold in bottles
and not to be
drunk on the
premises.

Size of bottles.

Inspection and
analysis.

Liquors sold on
application in
writing.

To whom liquors
shall not be sold.

Misdemeanor.

quantities as said board may direct, and furnish other dispensary hereafter established by the county dispensary board. "Provided, that said board shall first purchase as may be required for said dispensary, such pure liquors as may now be in the hands of the liquor dealers of Fayetteville.

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 county out of the county fund upon the presentation of the same approved by the dispensary board of the county.

Said manager of the county dispensary, shall sell only for cash except as he may furnish other dispensaries by order of the dispensary board, and shall turn over all moneys received by him to the said treasurer, at the end of each month, with all applications which shall be vouchers for sales made, and said treasurer shall keep a separate account of the same. Dispensers other than the county dispenser at Fayetteville, will be subject to the same rule in settling monthly with the county treasurer.

SEC. 5. The dispensary board of Cumberland county shall make from time to time rules and regulations for the government of said dispensary or dispensaries, and all other matters incidental to or connected with the maintenance and operation of said dispensary, except as provided in this act. No dispensary in Cumberland county, shall be open after sunset, and all sales of intoxicating or malt liquors, shall be in bottles and must not be opened or drunk upon the premises. The spirituous liquors in bottles shall contain one-half pint, one pint, one quart, and shall only be sold in such packages.

SEC. 6. Said dispensary board 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.

SEC. 7. Before selling or delivering any intoxicating liquors to any person, an application must be presented to the dispenser or his clerk, printed or written in ink, stating the kind, quantity and price of liquor wanted, dated of the true date, with his or her true name, and the request shall be signed by the applicant in his own true name. But the application shall be refused if the dispenser or clerk filling it personally knows the person applying is a minor, that he is intoxicated, or that he is in the habit of using liquor to excess.

If any person shall make any false or fictitious signature, or signs any name other than his own to any application without being authorized to do so, or make any false statement on any

request or application, signed to procure liquor under this act, the person so offending shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than twenty-five dollars or be imprisoned not more than thirty days, the fine to go to the school fund of the county. Penalty.

SEC. 8. All profits, after paying the expenses of the county dispensary, which shall be located at Fayetteville, shall be one-half to the treasurer of the county, to be credited to the school fund of the county, and one-half to the treasurer of the city of Fayetteville, to be applied to the current expenses, such payments to be made monthly. That if the authorities of the city of Fayetteville, in the judgment of the dispensary board, do not enforce this law, they shall withhold the part going to the city and authorize the same paid into the school fund of the county. How profits of county dispensary apportioned.

SEC. 9. If the dispenser or clerk shall procure any intoxicating liquor from any person other than those that the dispensary board shall direct and offer the same for sale, or shall adulterate, or cause to be adulterated, any intoxicating, spirituous or malt liquors, which he or they may keep for sale under this act, by mixing with coloring matter, or any drug or ingredient whatever, or shall mix the same with other liquors of different kind or quality, or with water and expose the same for sale, he or they shall be guilty of a misdemeanor, and upon conviction shall be fined in a sum not less than two hundred dollars or imprisonment for not less than six months. If any dispenser appointed by the dispensary board shall misappropriate, misuse or otherwise wrongfully dispose of any moneys or other property belonging to the county or city of Fayetteville, he shall upon conviction be punished as in case of breach of trust with fraudulent intent. City's part of profits may be forfeited.

SEC. 10. Every dispenser shall keep a strict account of all liquor received by him in a book kept for the purpose, which shall be subject at all times to the inspection of the solicitor of the judicial district, any member of the dispensary board, or grand jury of the county, or any other citizen. Said book shall show the amount and kind of liquor procured, the date of receipt, amount sold and amount on hand of each kind at the end of each month. Certain acts of dispenser or clerk a misdemeanor.

SEC. 11. Any dispenser or clerk who shall make a false entry in any return required to be made by this act, or shall make false oath touching any matter required to be sworn to under this act or under the rules prescribed by the dispensary board, shall upon conviction be punished by law for perjury. Penalty.

SEC. 12. Any dispenser or clerk who shall make a false entry in any return required to be made by this act, or shall make false oath touching any matter required to be sworn to under this act or under the rules prescribed by the dispensary board, shall upon conviction be punished by law for perjury. Penalty on dispenser misappropriating funds.

SEC. 13. Any dispenser or clerk who shall make a false entry in any return required to be made by this act, or shall make false oath touching any matter required to be sworn to under this act or under the rules prescribed by the dispensary board, shall upon conviction be punished by law for perjury. Dispenser to keep book account of liquor received by him.

SEC. 14. Any dispenser or clerk who shall make a false entry in any return required to be made by this act, or shall make false oath touching any matter required to be sworn to under this act or under the rules prescribed by the dispensary board, shall upon conviction be punished by law for perjury. What book shall show.

SEC. 15. Any dispenser or clerk who shall make a false entry in any return required to be made by this act, or shall make false oath touching any matter required to be sworn to under this act or under the rules prescribed by the dispensary board, shall upon conviction be punished by law for perjury. Dispenser or clerk making false entry or false oath punished as for perjury.

Penalty for
avoiding provis-
ions of act.

SEC. 12. Every person who shall directly or indirectly keep or maintain by himself or by associating or combining with others, or who shall in any manner aid, assist or abet in keeping or maintaining any club room or other place in which intoxicating liquors are received or kept for use, barter or sale as a beverage, or for distribution or division among its members, the purpose being to avoid the provisions of this act, shall upon conviction be deemed guilty of a misdemeanor and be punished by a fine of not less than one hundred dollars, or imprisonment for a term of not less than three months. That all fines in such cases go to the school fund of the county.

Fines to go to
school fund.

Treasurer to
report failure of
dispenser to
make return.

SEC. 13. When failure of any dispenser to make return to the Treasurer as prescribed in the foregoing section, it shall be the duty of the treasurer to report the same to the dispensary board, and they, the dispensary board, shall at once summon the dispenser before them and show cause why his appointment should be revoked. If good cause cannot be given, the dispensary board shall notify the solicitor of the judicial district and he shall proceed to enforce the penalties prescribed in this act.

Solicitor to
enforce pen-
alties.

Violation of this
act a misde-
meanor.

SEC. 14. All places where alcoholic liquors are manufactured if sold, bartered or given away in violation of this act, those so convicted shall be guilty of a misdemeanor, and be fined fifty dollars to be paid into the school fund of the county.

Penalty.
To be paid to
school fund.

Duty of Attorney
General when
solicitor neglects
or refuses to per-
form duty.

SEC. 15. That when any solicitor neglects or refuses to perform any duty or to take steps required of him by any of the provisions of this act, the attorney-general upon complaint of the dispensary board shall cause a prosecution against the solicitor to be instituted not only in the matter of neglect, but also a prosecution for malfeasance or other charges justified by facts.

Expense of main-
taining dispen-
saries to be paid
from receipts of
same.

Expense of estab-
lishment to be
repaid to county.

SEC. 16. The expense of maintaining said dispensaries shall be paid out of the funds arising from sales thereat, and each account shall be kept separate and apart, the amount expended in establishing the same being returned to the county fund as soon as may be.

Repealing
clause.

SEC. 17. That all laws or clauses of laws in conflict with the provisions of this act, are hereby repealed: *Provided*, this repealing clause shall be construed to apply only as the same effects the county of Cumberland.

Proviso:
Extent of repeal.

Proviso:
Notice not
required.

SEC. 18. Provided that the provision of Section 3111 of *The Code*, shall not apply to this act.

Act to take effect
1st May, 1897.

SEC. 19. This act shall be in force from and after May 1, 1897.
Ratified the 5th day of March, A. D., 1897.

CHAPTER 236.

An act to incorporate the Yadkin River Power Company.

The General Assembly of North Carolina do enact

SECTION 1. That Charles Adamson, William C. Bullitt, James H. Cutler, Powell Evans, Herman Hooper, Theodore F. Kluttz, Howard W. Lippincott, Spencer Cosby and Horace C. Williams and their associates, successors and assigns, be and they are hereby made and declared a body politic and corporate by the name and style of Yadkin River Power Company, for the purposes hereinafter described, and by that name and style shall have perpetual succession and power to sue and be sued, to plead and be impleaded, defend and be defended in all courts, whether at law or in equity, and may make and have a common seal and alter and renew the same at pleasure; and shall have, possess and enjoy all the rights and privileges of a corporation or body politic in the law and necessary for the purposes of this act.

Corporators.

Corporate name.

Corporate powers.

SEC. 2. That said company is authorized and empowered to supply to the public, including both individuals and corporations within the counties of Rowan, Davidson, Stanly and Montgomery, and elsewhere in the State of North Carolina and elsewhere, power in the forms of electric current, and hydraulic, pneumatic and steam pressure, or any of the said forms, and in any or all other forms for use in driving machinery, and for light, heat and all other uses to which the power so supplied can be made applicable, and to fix, charge, collect and receive payment therefor; and for the purpose of enabling the company to supply power as aforesaid, the company is authorized and empowered to buy or otherwise acquire, generate, develop, store, use, transmit and distribute power of all kinds, and to locate, acquire, construct, equip, maintain and operate from an initial point on the Yadkin river in Rowan, Davidson, Stanly or Montgomery county, or any other place in the said counties where the said company may establish a plant, to a distributing point in the city of Charlotte, and from the same or any other initial point in the said counties to a distributing point in the city of Salisbury, and from the same or any other initial point in the said counties to a distributing point in the city of Concord, and from the same or any other initial point in the said counties to a distributing point in the city of Lexington, by the most practicable routes, to be determined by the board of directors of the com-

Corporation may supply power by electric currents.

Initial point.

Distributing point Charlotte.

Distributing point Salisbury.

Distributing point Concord.

Distributing point Lexington.

How power transmitted.

Branch lines.

Water power and water privileges.

Proviso :
Limit on land to be held.

Proviso :
Regulations for use of streets and highways for lines.

Capital stock.

How subscriptions paid.

When company to organize.

pany, lines for the transmission of power by wires, on poles or underground, and by cables, pipes, tubes, conduits and all other convenient appliances for power transmission, with such connecting lines between the lines above mentioned and also with such branch lines in the said counties and elsewhere as a majority of the stockholders of the company may locate or authorize to be located, for receiving, transmitting and distributing power; and as appurtenances to the said lines of power transmission and their branches, the company may acquire, own, hold, sell or otherwise dispose of water powers and water privileges in the State of North Carolina and elsewhere, and may locate, acquire, construct, equip, maintain and operate all necessary plants for generating and developing by water, steam or any other means and for storing, using, transmitting, distributing, selling and delivering power, including dams, gates, bridges, sluices, tunnels, stations and other buildings, boilers, engines, machinery, switches, lamps, motors and all other works, structures and appliances, in the State of North Carolina; *Provided*, that the amount of land which the company may at any time hold within the State of North Carolina for any one water power and other works, as well as the land flowed or submerged with the water accumulated by any one dam, shall not exceed five thousand acres exclusive of right of way; and *Provided further*, that lines and appurtenances hereinbefore authorized for distributing power and light are to be constructed when on public streets or highways of any county, city or town under such reasonable regulations as the authorities respectively thereof shall upon application from the company prescribe.

SEC. 3. The capital stock of the said company shall be not less than twenty-five thousand dollars and may with the consent of a majority of its stockholders be increased from time to time to any additional amount by the issue and sale of shares of preferred or common stock or both, upon such terms and conditions and under such regulations as the board of directors with the approval of the majority in interest of the stockholders of said company, shall prescribe, but the par value of every share of stock shall be one hundred dollars; and the directors, with like approval of the stockholders, may receive cash, labor, material, bonds, stock, contracts, real or personal property in payment of subscriptions to the capital stock, and may make such subscriptions payable in such manner or amounts and at such times as may be agreed upon with the subscribers, and whenever one hundred shares shall have been subscribed to, and the sum of one hundred dollars paid in cash, the subscribers under the direction of a majority of the

corporators hereinbefore named, who themselves shall be subscribers, may organize the said company by electing a board of directors and providing for the election or appointment of such other officers as may be necessary for the control and management of the business and affairs of said company, and thereupon they shall have and exercise all the powers and functions of a corporation under their charter and the laws of this state. Every subscriber to or holder of the stock of the said company shall be liable for the debts of the company to an amount equal to the amount unpaid on the stock subscribed for and held by him and no more.

Directors and other officers.

Liability of stock-holders and subscribers.

SEC. 4. It shall be lawful for said company to borrow money and issue and sell its bonds from time to time for such sums and on such terms as its board of directors may deem expedient and proper, for any of the purposes of the company, and may secure the payment of said bonds by mortgages or deeds of trust upon all or any portion of its property, real, personal or mixed; its contracts and privileges, and its chartered rights and franchises, including its franchise to be a corporation; and it may, as the business of the company shall require, sell, lease, convey and encumber the same; and it shall be lawful for said company to subscribe to and hold the stock and bonds of manufacturing or other corporations, and any manufacturing or other corporations may subscribe to, guaranty and hold the stock and bonds of the said company.

May borrow money and issue bonds.

May make mortgage or deeds of trust.

SEC. 5. The said company may connect or unite its lines for the transmission of power with those of any other company or companies, or consolidate and merge its stock, property and franchise with and into those of any other company or companies incorporated under the laws of this state or any other state or of the United States, operating or authorized to operate lines for the transmission of electric or other power, upon such terms and under such name as may be agreed upon between the companies so uniting or connecting, merging or consolidating; and the said company may lease or sell any or all of its property, real or personal or mixed, its contracts and privileges and its chartered rights and franchises, to any such other company, upon such terms as may be agreed upon between them, and may in like manner acquire, by lease or purchase any or all of the property, real or personal or mixed, the contracts and privileges, and the chartered rights and franchise of any such other company or companies; and full power and authority is hereby given to the said company and to such other company or companies to make and carry out all such contracts as will facilitate

May connect or unite lines with other companies of like nature.
May consolidate with companies of like nature.

May lease or sell to such companies.

May purchase other companies.

Contracts in consumation of merger, purchase or sale.

and consummate such consolidations or mergers and changes of name and such leases and sales.

Directors to locate works.

SEC. 6. The board of directors shall, as soon as they deem it practicable, proceed to locate the works of the said company, and may change the said location from time to time, if they deem it expedient to do so, and the construction of the said works shall be begun within five years after the ratification of this act.

Construction of works to begin within five years.

Power to enter upon land for works.

SEC. 7. It shall be lawful for the president and directors, their agents, superintendents, engineers or others in their employ to enter at all times upon all lands or water for the purpose of exploring and surveying the works of said company and locating the same, doing no unnecessary damage to private property; and when the location of said works in whole or part shall have been determined upon and a survey of the same deposited in the office of the secretary of state, then it shall be lawful for the said company by the officers, agents, engineers, superintendents, contractors and others in its employ to enter upon, take possession of, have, hold, use and excavate any such lands, and to erect all the structures necessary and suitable for the completion or repairing of said works, subject to such compensation as is hereinafter provided; *Provided*, always that payment or tender of payment of all demands for the occupancy of all lands upon which the said works may be laid out or made before the said company shall enter upon or break ground upon the premises, except for surveying or locating said works, unless the consent of the owners thereof be first had and obtained.

Survey to be deposited with Secretary of State.

Proviso: Payment to be made for lands.

Powers to condemn land.

SEC. 8. When any land or right of way may be required by said company for the purpose of constructing its works, and for want of agreement as to the value thereof, or for any other cause, the same cannot be purchased from the owner, the same may be taken at a valuation by five commissioners, or a majority of them to be appointed by the judge of the superior court of the county where some part of the works are located. In making the said valuation the said commissioners shall take into consideration the loss or damage which may occur to the owner or owners in consequence of the land being surrendered: *Provided*, nevertheless, that if any person or persons on whose lands the works may be located, or if said company shall be dissatisfied with the valuation of said commissioners, then and in that case the party so dissatisfied may have an appeal to the superior court in the county wherein the valuation has been made, or in either county in which the land may be when it shall be in more than one county, subject to the same rules, regulations and restrictions as in other cases of appeal. The pro-

Commissioners of valuation appointed by judge of Superior Court.

Proviso: Right of appeal.

ceedings of said commissioners, with a full description of the land, shall be returned under the hands and seals of a majority of them to the court from which the commission was issued, there to remain a matter of record, and the land so valued shall vest in the said company as soon as the valuation shall have been paid or tendered: *Provided*, that upon application for the appointment of commissioners under this section, it shall be made to appear to the satisfaction of the court that at least ten days' notice had been previously given of the application to the owner or owners of the land so purposed to be condemned, or if the owner or owners be under disability, then to the guardian of such owner or owners, or if the owner or owners who are not under disability or the guardians of such owners as are under disability cannot be found within the county, or the owner or owners is or are not known, then that such notice of such application has been published once a week for at least four weeks in some newspaper printed in the vicinity of the court house of the county in which the application is to be made: and, *provided further*, that the valuation provided for in this section shall be made on oath by the commissioners aforesaid, which oath may be administered by any clerk of the court, justice of the peace, or other person authorized by law to administer oaths: and, *provided further*, that the right of condemnation herein granted shall not authorize said company to remove or invade the yard or garden around the private dwelling, the burial ground of any individual without his or her consent.

SEC. 9. The right of the said company to condemn land in the manner aforesaid shall extend to the condemning of strips of land not exceeding twenty-five feet in width, with necessary additional widths in deep cuts and fillings required by the company for its power, transmission lines, and all other lands necessary for the construction and operation of its other works, as well as all necessary water, including in the land and water thus described water powers, water privileges and land flowed or submerged with water accumulated by the company's dams.

SEC. 10. All land not heretofore granted to any person, lying within the locations made by the company for its works, shall vest in the said company as soon as the works are definitely laid out through or upon it, and any grant of said land thereafter shall be void.

SEC. 11. A part of the works of the said company may be constructed without completing its entire works, and the said work may be operated and electric current may be transmitted and delivered, and charges may be collected therefor, notwith-

Returns of commissioners.

When land to vest in company.
Proviso:
What application for appointment of commissioners to show.

Proviso:
Valuation to be made under oath.

Proviso:
Yard, garden or burial place not to be condemned.

Extent of power of condemnation.

When land not granted to vest in company.

May operate part of works before completion of all.

standing the entire works of the company have not been completed.

Votes of stockholders.

SEC. 12. Every stockholder in the company shall, at all meetings or elections, be entitled to one vote for every share of stock registered in his name. The stockholders of the said company may enact such by-laws, rules and regulations for the management of the affairs of the company as they may deem proper and expedient. Meetings of the stockholders and directors may be held in the city of Salisbury, where the principal office of the said company within the state of North Carolina shall be, and in the city of Philadelphia, Pennsylvania, or elsewhere, at such times and places as the stockholders may in the by-laws or otherwise prescribe.

By-laws.

Meetings of stockholders and directors.
Principal office.

Directors to be stockholders.
Number of directors.

SEC. 13. The board of directors shall be composed of stockholders of said company, and shall consist of such members as the stockholders may prescribe from time to time by the by-laws, and shall be elected at the stockholders' annual meeting, to be held on such days as the by-laws of the company may direct, and shall continue in office for the term of one year from and after the date of their election, and until their successors are elected and accept the duties of the office, and they shall choose one of their number president; and in case of the death, resignation or incapacity of any member of the board of directors during his term of office, the said board shall choose his successor for the unexpired term.

Term of office.

President.

Vacancies.

Public act.

SEC. 14. This act shall be deemed and taken to be a public act, and a copy of any by-law or regulation of the said company under its corporate seal, purporting to be signed by the president, shall be received as *prima facie* evidence for and against the said company in any judicial proceedings.

Prima facie evidence against company.

SEC. 15. This act shall take effect from and after its ratification, and all acts or parts of acts inconsistent herewith are hereby repealed.

Ratified the 5th day of March, A. D. 1897.

CHAPTER 237.

An act to amend sections 421 and 422 of The Code.

The General Assembly of North Carolina do enact:

Limit on power of court to order reference removed.

SECTION 1. That section four hundred and twenty-one (421) of *The Code* be amended by striking out the words "except where the investigation will require the decision of difficult questions of law" in lines two (2), three (3) and four (4) thereof.

SEC. 2. That said section be further amended by adding thereto the following subdivisions: (5) Where the issues of fact and questions of fact arise in an action of which the courts of equity of the state had exclusive jurisdiction prior to the adoption of the constitution of one thousand eight hundred and sixty-eight (1868), and in which the matter or amount in dispute is not less than the sum or value of five hundred (\$500.00) dollars.

Compulsory reference on equitable issues.

The compulsory reference under this subdivision shall not deprive either party of his constitutional right to a trial of the issues of fact arising on the pleadings by a jury, but such trial shall (be) had only upon the written evidence taken before the referee.

Issues of fact to be tried by jury on written evidence.

SEC. 3. That section four hundred and twenty-two (422) of *The Code* be amended by inserting between the words "court" and "they" in line eleven (11) thereof the following sentence: The testimony of all the witnesses on both sides shall be reduced to writing by the referee, or under his direction, and signed by the witnesses, and the evidence so taken and signed shall be filed in the cause, and constitute a part of the record.

Evidence to be taken in writing and signed by witness.

To be filed in the cause and constitute part of the record.

SEC. 4. That this act shall apply to actions now pending in the courts of this state.

To apply to existing actions.

SEC. 5. That all laws and parts of laws in conflict with this act are hereby repealed, and this act shall be in force from and after its ratification.

Ratified the 5th day of March, A. D. 1897.

CHAPTER 238.

An act to allow the commissioners of Wilkes county to levy a special tax.

The General Assembly of North Carolina do enact:

SECTION 1. That the commissioners of Wilkes county are hereby authorized and empowered to levy a special tax for the years one thousand eight hundred and ninety seven (1897) and one thousand eight hundred and ninety eight (1898), at their meeting in June of said years, the said tax not to exceed in either year the sum of fifteen cents on the one hundred dollars worth of property and forty five cents on the poll, the constitutional equation to be observed in each case.

Special tax authorized.

Rate.

SEC. 2. The taxes authorized to be levied in the preceeding section shall be collected and accounted for at the same time

To be collected and accounted

for as other
taxes.
How tax to be
used.

and under the same penalties as are prescribed for the collection and accounting for other state and county taxes, and shall be used exclusively to pay off the indebtedness of the county as the commissioners may direct.

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

Ratified the 5th day of March, A. D. 1897.

CHAPTER 239.

An act to incorporate Asheville Electric Company.

The General Assembly of North Carolina do enact :

Corporators.

SECTION 1. That J. E. Rankin, Julius C. Martin, H. S. Harkins, Rupell Gaston, John H. McAden, James H. Cutler, H. C. Lewis and W. T. Penniman, and their associates and successors, be and they are hereby declared a body politic and corporate, under the name and style of Asheville Electric Company, and by that name shall have perpetual succession, and sue and be sued, plead and be impleaded, make and use a corporate seal and alter the same at pleasure, contract and be contracted with, and shall have and enjoy all the rights and privileges necessary for the purposes of this act.

Corporate name.

Corporate
powers.

Capital stock.

SEC. 2. That the capital stock of the said company shall be fifty thousand dollars, and may be increased from time to time with the consent of a majority of the stockholders to any additional amount by the issue and sale of shares of common and preferred stock, or both, upon such terms and conditions and under such regulations as the board of directors, with the approval of a majority of stockholders of said company, shall prescribe, but the par value of each share of stock shall be one hundred dollars ; and the directors, with the like approval of the stockholders, may receive cash, labor, material, bonds, stock, contracts, real or personal property in payment of subscriptions to the capital stock, and may make such subscriptions payable in such manner or amounts and at such times as may be agreed upon with the subscribers ; and whenever one hundred shares shall have been subscribed for and the sum of one thousand dollars paid in cash, the subscribers under the direction of a majority of the corporators hereinbefore named, who them-

Par value of
shares.

How stock may
be paid for.

How subscrip-
tions payable.

When company
to organize.

selves shall be subscribers, may organize the said company by electing a board of directors and providing for the election or appointment of such other officers as may be necessary for the control and management of the business and affairs of said company, and thereupon they shall have and exercise all the powers and functions of a corporation under their charter and the laws of this state. Every subscriber to or holder of the stock of the said company shall be liable for the debts of the said company to an amount equal to the amount unpaid on the stock subscribed for and held by him and no more.

Directors and other officers.

Liability of subscribers and stockholders.

SEC. 3. It shall be lawful for said corporation to acquire, by original subscription, contract or otherwise, and to hold, manage, pledge, mortgage, sell, convey and dispose of, or otherwise deal with in like manner as individuals may do, shares of the capital stock, notes, bonds and other obligations of other companies, organized under the laws of any of the United States, and also to borrow money; and for such consideration and terms as the stockholders, or board of directors, by their authority, may determine, to issue its notes, obligations, bonds and debentures from time to time as they may elect, and to secure the same by mortgage or mortgages on its property and franchises, in whole or in part, as they may deem necessary or expedient.

May acquire and dispose of stock in other corporations.

May borrow money and issue notes or bonds secured by mortgage.

SEC. 4. The said company is authorized and empowered to supply to the public, including both individuals and corporations, within the counties of Buncombe, Transylvania, Haywood, Henderson, Madison, Yancey, Jackson, Swain, Macon, Clay, Cherokee and Graham, and elsewhere in the state of North Carolina and elsewhere, power in the forms of electric current, hydraulic, pneumatic and steam pressure or any of the said forms, and in any or all other forms for use in driving machinery, and for light, heat and all other uses to which the power so supplied can be applicable, and to fix, charge, collect and receive payment therefor; and for the purpose of enabling the company to supply power as aforesaid the company is authorized and empowered to buy or otherwise acquire, generate, develop, store, use, transmit and distribute power of all kinds, and to locate, acquire, construct, equip, maintain and operate from an initial point on the French Broad River, Swannanoa River, or Hominy Creek in the county of Buncombe, or from any point on the Tennessee River, or any stream tributary to it, or from any other place in any of the counties above named where the company may establish a plant, either directly to consumers or users or to a distributing point in the city of Asheville, and from the same or any other initial point in the

May supply power by electric current and other forms.

Initial point.

Distributing point Asheville.

Distributing
point Hendersonville.

Distributing
point Waynesville.

Distributing
point Biltmore.

How power to be
transmitted.

Water power and
water privileges.

Proviso:
Limit of land
held.

May furnish
electricity for
lighting and
other purposes.

said counties either directly to consumers or users or to a distributing point in the city of Hendersonville, and from the same or any other initial point in the said counties either directly to consumers or users, or to a distributing point in the city of Waynesville, and from the same or any other initial point in the said counties either directly to consumers or users, or to a distributing point in the town of Biltmore; and from the same or any other initial point in the said counties either directly to consumers or users, or to any other distributing point in North Carolina or elsewhere, by the most practical routes to be determined by the board of directors of the company, lines for the transmission of power by wires or poles or underground, and by cables, pipes, tubes, conduits and all other convenient appliances for power transmission with such connecting lines between the lines above mentioned, and also with such branch lines in the said counties and elsewhere as the board of directors of the company may locate or authorize to be located for receiving, transmitting and distributing power; and the company may acquire, own, hold, sell, or otherwise dispose of water power and water privileges in the state of North Carolina and elsewhere, and may locate, acquire, construct, equip, maintain and operate all necessary plants for generating and developing by water, steam or any other means, and for storing, using, transmitting, distributing, selling and delivering power, including dams, gates, bridges, sluices, tunnels, stations and other buildings, boilers, engines, machinery, switches, lamps, motors, and all other works, structures and appliances in the state of North Carolina; *Provided*, that the amount of land which the company may at any time hold within the state of North Carolina for any one water power and appurtenant works, as well as the land flowed or submerged with the water accumulated by a dam shall not exceed five thousand acres inclusive of right of way.

SEC. 5. The said company shall have power, in addition to the powers hereinbefore enumerated, to carry on and conduct the business of generating, making, transmitting, furnishing and selling electricity for the purposes of lighting, heat and power and transmission of power, and to furnish and sell and contract for the furnishing and sale to persons, corporations, towns and cities, of electricity for illuminating purposes or as motive power for running and propelling engines, cars, machines and apparatus, and also for all other uses and purposes for which electricity is now or may be hereafter used; and to construct, maintain and operate a plant or plants for manufacturing, generating and transmitting electricity; to deal in, generate, furnish, sup-

ply and sell electricity, gas and any and all other kinds of powers, forces, fluids, currents, matter and materials used or to be used for the purposes of illumination, heat and power; to carry on any and all business in anywise appertaining to, or connected with the manufacturing and generating, distributing and furnishing of electricity for light, heat and power purposes, including the transaction of any and all business in which electricity is now or hereafter may be utilized, and all matters incidental or necessary to the distribution of electric light, heat and power; to manufacture and repair, sell and deal in any and all necessary appliances and machinery used in or which may be required or deemed advisable for or in connection with the utilization of electricity or in anywise appertaining thereto or connected therewith; to purchase, acquire, own, use, lease, let and furnish any and all kinds of electrical machinery, apparatus and appliances; and general, special and exclusive privileges for the use or sale of the same; to purchase, acquire, possess, own, hold, improve, let, lease, operate and maintain water rights and privileges and water-powers; to supply water to persons, corporations, factories, towns and cities, for domestic or public purposes, and for use as power, and for manufacturing purposes, and to charge, receive and collect such charges and rates therefor as may be deemed admissible or expedient; to construct, acquire, build, operate, maintain and lease in the state of North Carolina canals, ditches and flumes and pipe lines for the conducting of water; to erect, build, construct purchase, acquire, possess, own, hold, let, lease, operate and maintain bridges and ferries on the Tennessee River or any stream tributary to it; to maintain and operate railroads, street railways, motor lines and tram-ways, carry freight and passengers, or freight or passengers thereon, and to charge, collect and receive tolls or fares for the same; to purchase, consolidate with, lease, operate and maintain, on such terms as may be agreed on, any railroad, railroads, street railroads, motor line, motor lines, tramway or tramways in the state of North Carolina, with its or their rolling stock, equipments and appurtenances, and to complete the same if necessary, desirable or convenient to carry freights and passengers or freights or passengers thereon, and to charge, collect and receive tolls or fares for the same; to construct, build, purchase, buy, own, hold, lease, maintain and operate telegraph and telephone lines wherever it may be deemed expedient, and to charge receive and collect such charges and rates for the use of its telegraph and telephone lines, and for the transmission of messages thereon, as may be deemed advisable or

May supply water for all uses.

Means of conducting water.

May construct bridges and ferries.

Maintain and operate railroads and street railways.

Act as common carriers.

May purchase, consolidate with, lease, operate and maintain railroads, &c.

Telegraph and telephone lines.

May lease its
railroads and
like property.

May make traffic
contracts with
other companies.

May apply for
privileges to
municipal
authorities.

May acquire
rights granted
by municipal cor-
porations to
other companies.

May equip and
operate fac-
tories.

May buy and sell
commodities.
May assist con-
necting compa-
nies.

expedient; to construct, acquire, own, hold, lease, maintain and operate lines of wire, underground conduits, subways and other convenient conduits or appliances for the transmission of electricity and other energies, fluids, forces and currents, and to charge, receive and collect such charges and rates for the use of such wires and such electricity and other energies, fluids, forces and currents as may be deemed advisable or expedient; to lease any part or all of its railroads, street railroads, tramways, to any other company or companies incorporated for the purpose of maintaining and operating a railroad, street railroad, motor line or tramway, and to lease or purchase, maintain and operate any part or all of any other railroad constructed by any other company upon such terms and conditions as may be agreed upon between said companies respectively; to enter into any operating or traffic contract, or any contract in the nature of a lease, with any company or corporation; and to transfer and convey to such company or corporation the operation of the roads or lines, or any portion or portions thereof of this corporation; to apply to the proper authorities of any incorporated city or town, or of any county in the state of North Carolina, into which the street railways, motor lines, tramways, telegraph lines, telephone lines, electric light and power lines, plants, underground conduits, subways, wires, poles and appliances of this corporation may extend, or be designed or intended now or hereafter to extend, for a grant of any rights, powers, privileges and franchises for the maintenance or operation thereof; to accept, receive, own, hold, lease, all and singular the same; to acquire by purchase, lease, contract or otherwise, and to accept, own and hold any rights, privileges or franchises heretofore granted to any person, firm, company or corporation, or which may be hereafter so granted by the proper authorities of any such incorporated city or town, or of any county in the state of North Carolina; to build, erect, equip, purchase, acquire, own, hold, rent, lease, run, maintain and operate factories for the manufacture of such commodities as may be desirable, convenient or expedient, and to sell and dispose of such commodities; to facilitate and assist in the construction, building, extension, equipment, maintenance and operation of any street railway, railway, motor line, tramway, telegraph line and telephone line connecting with or intending to connect or exchange traffic, freight or passengers, with the street railways, railways, motor lines, tramways, telegraph lines or telephone lines of this corporation; and for such purpose to subscribe to, or for, or purchase, or otherwise acquire, own and hold the stocks and bonds

of any other corporation or company owning or operating such street railways, railways, motor lines, tramways, telegraph lines and telephone lines; to guarantee or otherwise secure the payment of any such bonds, interest thereon or dividends on such stock as it may deem advisable, convenient or proper, and to otherwise aid and assist the maintenance and operation of the same; to purchase, acquire, rent, lease, own, hold and improve real property in such quantities as may be deemed expedient, to build dwelling houses, and to build and operate stores, mills, schools, factories, warehouses, and any and all other buildings or structures desirable or convenient; to sell and dispose of the same on such terms and conditions and payments, including installments and installment plans, as may be desirable or convenient; to lay out and plat any real property belonging to or required by the corporation into lots, blocks, squares, factory sites and other convenient forms; and to lay out, plat and dedicate to public use, or otherwise, streets, avenues, alleys and parks; to manage and carry on the business of farming, stock-raising, mining, trading, banking, lumbering, manufacturing, hotel-keeping, building bridges, dams, culverts, aqueducts, reservoirs and streets; also building, equipping and operating rail, tram, turnpike and other roads, or any other plants or works that may be deemed necessary or convenient for the business of the corporation; to purchase, possess, own, hold, rent, lease, and improve all and any property, real, personal and mixed, necessary, desirable or convenient for the use of the corporation, or the transaction of its business or any part thereof; and to do and perform all and any other matters and things necessary, proper or convenient for the accomplishment of the objects (and any thereof) above specified.

SEC. 6. It shall be lawful for the president and directors, their agents, superintendents, engineers, or others in their employ, to enter at all times upon all lands or water for the purpose of exploring or surveying the works of said company and locating the same, doing no unnecessary damage to private property; and when the location of the said works shall have been determined upon and a survey of the same deposited in the office of the secretary of state, then it shall be lawful for the said company, by the officers, agents, engineers, superintendents, contractors and others in its employ, to enter upon, take possession of, have, hold, use and excavate any such lands, and to erect all the structures necessary and suitable for the completion or repairing of said works, subject to such compensation as is hereafter provided: *Provided*, always, that payment or tender of payment of all demands for the occupancy of all lands upon

May guarantee bonds or dividends of other companies.

Power to hold real estate.

May build dwelling houses and build and operate stores and other buildings.

May lay out its lands in streets and squares.

May dedicate streets, alleys and parks to public use. Other kinds of business authorized.

Power to enter on lands for exploring, or surveying.

Survey to be deposited with Secretary of State.

Power to take possession of lands.

Proviso: Payment to be made for lands.

Proviso:
Filing of survey
not to preclude
company from
changing loca-
tion.

Power of con-
demnation of
land.

Commissioners
of valuation to be
appointed by
judge.

Proviso:
Right of appeal.

Return of com-
missioners.

When land to
vest in company.

Proviso:
What applica-
tion for appoint-
ment of commis-
sioners to show.

which the said works may be laid out be made before the said company shall enter upon or break ground upon the premises, except for surveying or locating said works, unless the consent of the owners be first had and obtained; and *Provided, further*, that such locating of its works and filing of its survey in the office of the secretary of state shall not preclude said company from making from time to time other location of works and filing surveys of the same as its business or development requires.

SEC. 7. When any land or right of way may be required by said company for the purpose of constructing and operating its works, and for want of agreement as to the value thereof or for any other cause the same cannot be purchased from the owner, the same may be taken at a valuation of five commissioners or a majority of them, to be appointed in term time on petition by the judge of the superior court of the county where some part of the land is situated. In making the said valuation, the said commissioners shall take into consideration the loss or damage which may occur to the owner or owners in consequence of the land being surrendered: *Provided, nevertheless*, that if any person or persons on whose land the works may be located, or if the said company shall be dissatisfied with the valuation of said commissioners, then in that case the party so dissatisfied may file exceptions to the valuation in the pending proceedings, subject to the same rules, regulations and restrictions as in other like cases. The proceedings of said commissioners, with a full description of the land shall be returned under the hands and seals of a majority of them to the court from which the commission issued thereafter confirmation by the judge, to remain matter of record, and also to be registered in the office of the register of deeds of each county wherein the land condemned lies, and the land so valued shall vest in the said company as soon as the valuation shall have been paid or tendered: *Provided*, that upon application for the appointment of commissioners under this section, it shall be made to appear to the satisfaction of the court that at least ten days' notice had been previously given of the application to the owner or owners of the land so purposed to be condemned, or if the owner or owners be under disability, then to the guardian (if any) of such owner or owners, as well as to such owner or owners, or if the owner or owners who are not under disability, or the guardian of such owners as are under disability cannot be found within the county, or the owner or owners is or are not known, then that such notice of such application had been published once a week for at least four weeks in some newspaper printed in the

vicinity of the court house of the county in which the application is made; and, *Provided, further*, that the valuation provided for in this section shall be made on oath by the commissioners aforesaid, which oath may be administered by any clerk of the court, justice of the peace, or other person authorized by law to administer oaths; and, *Provided, further*, that the right of condemnation herein granted shall not authorize said company to remove or invade the burial ground of any individual without his or her consent.

Proviso:
Valuation to be made under oath.

Proviso:
Burial ground not to be condemned.

SEC. 8. The right of the said company to condemn land in the manner aforesaid shall extend to the condemning of strips of land not exceeding twenty-five feet in width, with necessary additional width in deep cuts and fillings required by the company for its power, transmission lines and all other lands necessary for the construction and operation of its other works, as well as all necessary water, including in the land and water thus described water powers, water privileges and land flowed, as submerged with water accumulated by the company's dams.

Extent of right of condemnation.

SEC. 9. All lands not heretofore granted to any person, lying within the locations made by the company for its works, shall vest in the said company as soon as the works are definitely laid out through or upon it, and any grant of said land thereafter shall be void.

When land not granted to vest in company.

SEC. 10. A part of the works of said company may be constructed without completing its entire works, and the said works may be operated, and electric current transmitted and delivered, and charges collected therefor, notwithstanding the entire works of the company have not been completed.

Company may operate part of works before completion of all.

SEC. 11. Every stockholder in the company shall at all meetings or elections be entitled to one vote for every share of stock registered in his name. The stockholders of the said company may enact such by-laws, rules and regulations for the management of the affairs of the company as they may deem proper and expedient. Meetings of the stockholders and directors may be held in the city of Asheville, where the principal office of the said company, within the state of North Carolina, shall be, and in the city of New York, state of New York, or elsewhere, at such times or places as the stockholders may in the by-laws or otherwise prescribe.

Votes of stockholders.

By-laws.

Meetings of stockholders and directors.
Principal office.

SEC. 12. The board of directors shall be composed of stockholders of said company, and shall consist of such number as the stockholders may prescribe from time to time by the by-laws, and shall be elected at the stockholders' annual meeting, to be held on such days as the by-laws of the company may direct, and shall continue in office for the term of one year from and

Directors to be stockholders.
Number of directors.

Term of office.

after the date of their election, and until their successors are elected and accept the duties of their office; and they shall choose one of their number president, and in case of the death, resignation or incapacity of any member of the board of directors during his term of office the said board shall choose his successor for the unexpired term.

President.
Vacancies.
Public act.
Prima facie evidence against company.

SEC. 13. This act shall be deemed and taken to be a public act, and a copy of any by-law or regulation of the said company, under its corporate seal, purporting to be signed by the president, shall be received as *prima facie* evidence for and against the said company in any judicial proceedings.

SEC. 14. This act shall be in force from and after its ratification.

Ratified the 5th day of March, A. D. 1897.

CHAPTER 240.

An act to improve the public roads from Roaring Gap to the Virginia line in Alleghany county.

The General Assembly of North Carolina do enact:

Commissioners named.
To review road and make changes to improve grade.
Route by way of Sparta.

SECTION 1. That John S. Miller, Wm. M. Halsey, and John Gambille of Alleghany county are hereby appointed commissioners whose duty it shall be to review the public roads from near the Roaring Gap Hotel in Alleghany county to the Virginia line, near the mouth of Wilson, and to make and designate such changes and alterations as they may deem expedient and proper, to improve the grade of said road between Roaring Gap Hotel and Virginia line, near the mouth of Wilson, and that the review and location shall be made by way of Sparta.

Commissioners to report.
What report to state.
Pay of commissioners.

SEC. 2. That after discharging their duty under this act said commissioners shall make an itemized report of their work unto the county commissioners, and in said report they shall state what damages each person, through whose land the said alterations have been made, sustained by reason of such change, and the said commissioners in arriving at such damages shall have the right to take into consideration the benefit of such change to said landowners, and such damage in each case shall be paid to such landowner by the county, and the county commissioners shall pay said road commissioners for the time spent in locating said road an amount not to exceed one dollar and fifty

cents per day each, when said report is filed with county commissioners.

SEC. 3. That the board of county commissioners shall have power, and it shall be their duty, to call out the hands living within six miles of said road, or any portions thereof, by a straight line, to aid in constructing and making said road, according to the alteration of said commissioners hereinbefore named, and the board of commissioners shall appoint overseers on said road. The said three commissioners appointed herein to lay off said road may adopt such portion of the present road as they deem expedient, and the said road shall be laid off and made eighteen feet wide where there are no side cuttings, and sixteen feet where there are such cuttings, and the grade of said road shall not rise more than one foot in twelve feet distance.

County commissioners to order out hands to construct road.

Overseers.

Part of present road may be adopted.

Width and grade of road.

Road to be finished by 1st April, 1899.

Proviso: No person compelled to work on road more than twenty days.

Liability of hands failing to work.

SEC. 4. That the road shall be laid off, changed and made according to the provisions of this act by the first day of April, 1899: *Provided*, that no person shall be compelled to work on it more than twenty days.

SEC. 5. That all hands subject to road duty under existing laws, and subject to work on said road according to the provisions of this act, shall be liable to all the penalties and laws now in force or that may be in force for failing to work on public roads.

SEC. 6. That when the alterations in said road have been constructed as provided for in this act, then it shall be the duty of the county commissioners to receive the same, and overseers and hands shall be appointed by the authorities whose duty it is to appoint overseers and assign hands over the other public roads of the county; and the said board of county commissioners shall, when said road is completed, give notice of the same to such officers whose duty it is to appoint overseers and assign hands.

County commissioners to receive road, appoint overseers and assign hands.

Notice of opening of road to be given.

SEC. 7. That a majority of said three road commissioners shall at all times constitute a working quorum, and such shall have power to lay off said road.

Quorum of road commissioners.

SEC. 8. That this act shall be in force from and after its ratification.

Ratified the 5th day of March, A. D. 1897.

CHAPTER 241.

**An act to allow the commissioners of Alexander county to
levy a special tax for building court-house and jail.**

The General Assembly of North Carolina do enact :

Special tax authorized.	SECTION 1. That the county commissioners of Alexander county be and they are hereby authorized and empowered to levy a special tax for the years 1897, 1898, 1899 and 1900, for the purpose of building a court-house and jail, either or both as the said commissioners may determine, for said county. That said special tax levy shall not exceed in any one year the sum of fifteen cents on the one hundred dollars valuation of property in said county, and forty-five cents on the poll, to be levied in the same manner and at the same time with other tax levies upon all the taxable property and polls in said county, and in making the said tax levy the county commissioners shall observe the constitutional equation between the property and the poll.
Purpose of tax.	
Rate.	
To be levied as other taxes.	
Commissioners may sell present jail and lot.	SEC. 2. That commissioners of said county are also authorized and empowered to sell the present jail and the lot on which it is situated, and apply the proceeds of such sale to the purchase of another lot and to the erection of a jail thereon. They are further authorized and empowered to sell the present court-house and the lot on which it is situated, and apply the proceeds to the purchase of another lot for the erection of a court-house thereon. Either or both of said sales may be made, if the said commissioners shall consider the same to be for the best interest of the county, and when so determined the said sale or sales shall be made in such manner as to the said commissioners may seem to best advantage.
Commissioners may sell present court house and lot.	
How sales to be made.	
Election to be held.	SEC. 3. That the provisions of the preceding sections 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, and in the manner prescribed in the laws of the state of North Carolina regulating general elections, or in the manner prescribed by the commissioners of said county to hold said elections if in their opinion they see fit to change said election law to hold said election.
When and how election to be held.	
Tax to be collected as other taxes. Applied solely to purposes mentioned.	SEC. 4. That the said special tax shall be collected at the same time and in the same manner as other taxes for said county are collected, and shall not be applied to any other purpose than the one above mentioned.

SEC. 5. That when the special tax levy is made for the year 1897 the said commissioners shall have right and authority to contract for the building of a courthouse and jail, either or both, as they may determine.

When contracts
to be made.

The said work to be paid for in installments, as the said special taxes herein provided for and collected.

Work to be paid
for in install-
ments.

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

Ratified the 5th day of March, A. D. 1897.

CHAPTER 242.

An act to provide for the working of the public roads in Washington county.

The General Assembly of North Carolina do enact:

SECTION 1. It shall be lawful for, and the duty of the board of commissioners of Washington county at their regular meeting the first Monday in June eighteen hundred and ninety-seven, and every year thereafter to levy a tax of thirty cents on each poll and ten cents on the one hundred dollars' worth of property for the purpose of building and keeping in repair the public roads of said county of Washington.

Special tax for
roads author-
ized.

Rate.

That the fund derived from the above tax, shall be known as the public road fund, and it shall be kept separate from all other funds.

To be known as
public road fund
and kept separ-
ate.

SEC. 2. That the tax above provided for shall be levied, and collected under the same rules, and regulations as is the general county tax, and it shall be used for no other purpose than that of keeping up the public roads of Washington county.

To be levied and
collected as
other taxes.

SEC. 3. That on the first Monday in July of each and every year the county commissioners of Washington county shall let to the lowest bidder all the different public roads in said county to be put in and kept in good order by the contractor or contractors for the term of twelve months. That said lowest bidder or contractor or contractors shall enter into bond the amount of which shall be fixed by said commissioners for the performance of his or their contract.

Roads to be let to
contract.

Bonds of con-
tractors.

SEC. 4. That the board of supervisors, as heretofore constituted, shall in each and every township in said county, be constituted and known as a board of road inspectors for their

Supervisors con-
stitute road
inspectors.

respective township whose duty it shall be to go over the different roads in their respective townships, at least once in every sixty days, and report to the said board of county commissioners the condition of said road.

Duties.
Duty of chairman of county commissioners if contractors fail to keep roads in good condition.

SEC. 5. That in case any contractor or contractors shall fail to keep his or their road or roads in good condition as per the contract, it shall be the duty of the chairman of board county commissioners to retain amount due on said contract, and unpaid, and to bring suit against contractor and his or their sureties.

When and how road accounts to be paid.

SEC. 6. That the contract price for keeping said roads shall be paid in quarterly installments upon the order of the chairman of the board county commissioners, countersigned by the clerk of said board.

When system to go into operation.

SEC. 7. That from and after July first eighteen hundred and ninety seven, the public roads of Washington county shall be kept up under the provisions of this act.

County exempt from general road law.

SEC. 8. That the county of Washington is hereby exempt from the general laws governing public roads in North Carolina except that part making it the duty of the supervisors to inspect the roads.

Exception.

General law to prevail until 1st Monday in July.

SEC. 9. That from the ratification of this act and until the first Monday in July, 1897, the public roads of Washington county shall be kept up as now provided by law.

SEC. 10. That all laws and clauses of law in conflict with this act are hereby repealed.

SEC. 11. That this act shall be in force from and after its ratification.

Ratified the 5th day of March, A. D. 1897.

CHAPTER 243.

An act to extend the time for completing a new road in Wilkes county.

The General Assembly of North Carolina do enact :

Time extended.

SECTION 1. That section four (4) chapter two hundred and three of the laws of eighteen hundred and ninety three (1893) be and the same is hereby amended by striking out the words two years in line two and insert in lieu thereof the words six years.

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

Ratified the 5th day of March, A. D. 1897.

CHAPTER 244.

An act to allow the commissioners of Jackson county to build a bridge over the Tuckaseegee River in said county.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Jackson county are hereby authorized and empowered to levy a special tax, not to exceed fifteen hundred (\$1,500) dollars, upon the property and polls of the citizens of said county for the purpose of building a bridge over the Tuckaseegee River, in said county, between Dillsboro and Savannah Creek; and, in making said levy, the said commissioners are hereby directed to observe the constitutional equation between the property and polls of said county.

Special tax authorized.

Amount.

Purpose.

SEC. 2. That the county commissioners, or five freeholders, shall determine at what point on said river said bridge shall be built, and said freeholders shall be appointed by the said board of county commissioners in case they elect to have the location determined by said freeholders.

How location of bridge determined.

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 in the year 1897 and the other half of said taxes shall be levied and collected in the year 1898.

Tax to be levied and collected as other taxes. Exception.

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.

Ratified the 5th day of March, A. D. 1897.

CHAPTER 245.

An act to authorize the board of commissioners of Beaufort county to issue bonds and levy a special tax center.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Beaufort county are hereby authorized and empowered to issue bonds in such denominations as the said board may determine, not exceeding in the aggregate the sum of four thousand dollars, and bearing a rate of interest not greater than six per centum; the

Issue authorized.

Amount.

When to become due.	interest upon each of the said bonds shall be payable annually. That one-half of the said bonds shall be made payable one year from the date of their issue, and one-half of the said bonds shall be made payable two years from the date of their issue; that
How to be signed.	said bonds shall be signed by the chairman of the said board and by the register of deeds as clerk of said board; that the said
Purpose of issue.	bonds shall be issued for the special purpose of constructing and building fire proof vaults for keeping, preserving and protecting the public records of the county of Beaufort, and the
Special tax authorized.	taxes in this act, directed to be levied, shall not be applied to any other purpose. That for the purpose of paying the said bonds and the interest thereon, the said board of commissioners are authorized and empowered to levy a special tax for two (2)
Rate.	years, viz: Eighteen hundred and ninety seven (1897) and eighteen hundred and ninety eight (1898), not exceeding eight (8) cents on the one hundred (\$100.00) dollars valuation of real and personal property, and twenty-four (24) cents upon the
To be levied and collected as other taxes.	polls in said county. That the said tax shall be levied and collected as other public taxes are collected in said county, and the constitutional equation between the tax upon property and polls shall be preserved.

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

Ratified the 5th day of March, A. D. 1897.

CHAPTER 246.

An act to amend chapter two hundred and eighty of the laws of one thousand eight hundred and eighty-nine (1889).

The General Assembly of North Carolina do enact:

Provisions of law extended to other counties.

SECTION 1. That section two of chapter two hundred and eighty of the laws of one thousand eight hundred and eighty-nine be, and the same is hereby amended by striking out the word "and" before the word "Rockingham" in the last line of said section, and adding to said section Alamance, Surry and Chatham.

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

Ratified the 5th day of March, A. D. 1897.

CHAPTER 247.

An act to enable the commissioners of Anson county to complete the repairs of the jail without the further issue of bonds.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Anson county be authorized and empowered to use so much of the money that shall be received by the special tax levied for the year 1896, under Section 3, Chapter 311, of the laws of 1891, entitled an act to authorize the board of county commissioners of Anson county to complete and repair the court house and repair the jail as will be necessary, not exceeding five hundred dollars, to complete the repairs of the jail and make a fire escape for the prisoners in case of fire. Commissioners
may use part of
proceeds of
special tax.

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

Ratified the 5th day of March, A. D. 1897.

CHAPTER 248.

An act for the relief of R. O. Pitman.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Robeson county are hereby authorized and directed to refund to R. O. Pitman, late sheriff of Robeson county, the sum of five hundred and fifty-five dollars and sixty-seven cents (\$555.⁶⁷/₁₀₀) tax money lost without his negligence or default in the Co-operation Bank of North Carolina, said amount having been paid over by said "Pitman" to the proper authorities in Robeson county out of his own funds.

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

Ratified the 5th day of March, A. D. 1897.

CHAPTER 249.

An act to provide for the working of the public roads of Haywood county.

The General Assembly of North Carolina do enact :

Special tax to be levied.

Rate.

Tax to be collected as other taxes.
Set aside as road fund.

Superintendent of roads to be elected.

Salary.

Term of office.

Duty of superintendent.

Monthly reports, Quarterly reports.

Inventory of tools.

SECTION 1. That the board of county commissioners of Haywood county, shall, in order to provide for the proper working and constructing of the public roads of said county of Haywood, at their regular meeting in June, 1897, and at each regular annual meeting thereafter, and it is hereby made their duty to levy a special tax on all property subject to taxation under the state law in said county of not less than 10 cents nor greater than 20 cents on the \$100 worth of property, and not less than 30 cents nor greater than 60 cents on the poll, the constitutional equation to be observed at all times; said taxes to be collected as all other taxes are, to be kept separate in the tax books of the county, to be set aside as a special *road fund* to be used in the construction, improvement, and maintenance of the public roads, culverts and bridges of the county of Haywood, and the purchase of such implements, teams, wagons, camp outfit, quarters, or stockade for the use and safe keeping of the convict force, as may be found necessary in the proper carrying on of this work.

SEC. 2. That there shall hereafter be elected at such time and in such manner as is provided by law for other county officers in the county of Haywood, a superintendent of roads, who shall receive a salary of not less than forty (\$40.00) nor more than fifty (\$50.00) dollars per month to be fixed by the board of county commissioners, and to be paid out of the county road fund, and who shall hold office until his successor has been elected and qualified, as provided by law for other county officers. It shall be the duty of said superintendent of roads to supervise, direct and have charge of the maintenance and building of all public roads, culverts, and bridges in said county of Haywood, and he shall submit to the board of county commissioners of Haywood county a monthly report concerning the work in progress and the moneys expended, and he shall submit quarterly a report on the condition of the public roads and bridges, and plans for their improvement, and he shall include in this quarterly report an inventory of the tools, implements, teams and other equipment on hand belonging to the said county of Haywood. Said county road superintendent shall deposit with the board of

county commissioners a good and lawful bond for the sum of \$2,000 as a guarantee of the faithful discharge of the duties of his office, which bond shall be duly registered in the office of the register of deeds and filed with the clerk of the superior court of Haywood county. In case of the death or resignation or removal of said road superintendent it shall be the duty of the county commissioners to appoint a road superintendent who shall hold office until the next general election and until his successor has been elected and qualified.

Superintendent to give bond.

Bond registered and filed.

County commissioners to fill vacancy.

J. M. Tate, of the county of Haywood, is hereby elected superintendent of roads of said county, his term of office to begin on the first day of May, 1897, and he shall hold office until his successor shall have been duly elected and qualified as herein provided for. The county commissioners of Haywood county are hereby authorized and it is hereby made their duty to provide for the salary of said superintendent of roads and for the expenses necessary for the carrying forward of the work provided for in this act from and after the first day of May, 1897, to be paid out of the road fund of Haywood county provided for in section one of this act when collected.

Superintendent until next election.

When term to begin.

County commissioners to provide for salary of superintendent and expense of road work.

SEC. 3. That the county road superintendent shall appoint, with power at any time to remove or discontinue, such guards as may be needed to take charge of the convict force, and also one or more persons in each township of Haywood county, to be known as township supervisors of roads, who, acting under the county road superintendent, shall supervise the road work in the township for which they were appointed, or such parts thereof as such superintendent may direct. The said guards and township supervisors shall be paid such compensation per day, during such time as they are actually employed in working on the public roads, as may be agreed upon by said county road superintendent, out of the public road fund provided for in section one of this act.

Superintendent to appoint guards for convicts and township supervisors.

Duties of supervisors.

Compensation of guards and supervisors.

SEC. 4. That all able bodied male persons in Haywood county between the ages of eighteen and forty-five years, except residents of incorporate cities and towns, shall work on the public roads of said county for four days (of 10 hours each) in each and every year, at such time and place and in such manner as may be designated by the road superintendent or the township supervisor: *Provided*, that the said superintendent or the supervisors in each township shall give to each person in his township who is subject to road duty, at least three days' notice by personal warning or by leaving a written notice at the home or residence of such person, specifying in such notice the time and place when and where such work is to be performed, and

Persons subject to road work.

Amount of work required.

Proviso: Road hands to be warned.

What notice to specify.

Proviso:
When notice not
necessary.

Proviso:
Money payment
in lieu of work.

Money received
in lieu of work to
be paid into road
fund.

Persons failing to
appear and work
guilty of misde-
meanor.

Penalty.

Tools for road
work to be fur-
nished by Super-
intendent.

To be paid for
from road fund.
Proviso:
Road hands to
furnish tools
until county pur-
chases same.

Lists of persons
liable to road
duty to be
furnished.

also designating in such notice the tool or implement with which such person shall be required to work: *Provided, further*, that in case of washout or other unexpected obstruction to travel, the three days' notice shall not be necessary, and any person liable to road duty in the township in which such obstruction to travel may occur, shall, upon being properly summoned by said superintendent or supervisor of roads, respond to such summons with reasonable promptness: *Provided, further*, that any person may in lieu of working four days on the public roads, pay on or before the first day of July, 1897, and on or before the first day of April of each year thereafter, to the county treasurer, sheriff or tax-collector the sum of two dollars (or fifty cents for each day), and it shall be the duty of said treasurer, sheriff or tax-collector, upon receipt of said money or any part thereof, to issue to such a person a receipt for the same, stating in such receipt the amount and the year for which the same is paid. All moneys paid to the sheriff or tax-collector, as provided for in this act, shall, within fifteen days after being received by them, be turned over to the county treasurer and credited to the road fund of the township from which the same was paid.

SEC. 5. That any person who shall, after being duly notified as provided in section 4 of this act, fail to appear and work as required to do, or who shall fail to pay the sum of two dollars (or the sum of fifty cents per day for every day he is notified to work), or any person who shall appear as notified, and fail or refuse to perform good and reasonable labor as required by said superintendent or supervisor, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two nor more than five dollars, or imprisoned not less than five nor more than ten days.

SEC. 6. That proper implements and tools for use in working the public roads of Haywood county, as provided in section 4 of this act, shall be supplied by the county road superintendent, and shall be paid for out of the road fund of the county or of the several townships: *Provided*, that until the county road superintendent shall be able to supply the necessary implements and tools, he may and he is hereby empowered to compel any and all persons working on the public roads of Haywood county to provide themselves with such implements while working on said roads as said superintendent or supervisor may designate in his notice or summons as being necessary.

SEC. 7. That on the first day of July, 1897, and on the first day of April of each succeeding year, or oftener, if required to do so by the said superintendent of roads, the township supervisor of roads in each township of Haywood county shall fur-

nish to the county road superintendent a complete list of the names of all persons liable for road duty in the township in which he resides. Said superintendent of roads, after receiving the above list of persons liable for road duty, shall check off the names of such persons as have paid the sum of two dollars, as provided in section 4 of this act, and shall, within fifteen days, furnish to each said township supervisor a correct revised list of all persons liable for road duty in each said township for that year. A list of such persons liable to road duty in each township who have, during any year, failed to work on the public roads after having been duly notified, or to pay as provided for in section 4 of this act, shall immediately be submitted by the county road superintendent or supervisor to a magistrate in the township in which such person resides, and it shall be the duty of said magistrate immediately to issue his warrant for such persons and proceed against them according to law: *Provided*, however, that the defaulting party may be prosecuted at any time and by any citizen of the county.

Superintendent
to correct lists.

List of persons
failing to work
or pay in lieu of
work submitted
to magistrate.

Duty of magis-
trates.
Proviso:
Defaulter may be
prosecuted at
any time and by
any citizen.
Certain persons
to be worked on
roads.

SEC. 8. That all prisoners confined in the county jail under a final sentence of the court for crime, or imprisonment for the non-payment of cost or fines, or under final judgment in cases of bastardy, or under the vagrant acts, all insolvents who shall be imprisoned by any court in said county for non-payment of cost, and all persons sentenced to the state prison for a term less than ten years, in the county of Haywood, shall be worked on the public roads of said county of Haywood. And upon the application of the said road superintendent of Haywood county, the judge of the superior court, the judge of the criminal court, the justices of the peace, and the principal officer of any municipal or any other inferior court, it shall be the duty of the said judge or justices of the peace, or said principal officer, to assign such persons convicted in his court to said road superintendent, for work on the public roads of said county.

Courts to assign
convicts to road
work.

SEC. 9. That when the county commissioners of Haywood county shall have made provisions for the expense of supporting and guarding, while at work on the public roads, a larger number of prisoners than can be supplied from said Haywood county, upon the application of the county commissioners of Haywood county, the judges of the superior or criminal court and the justices of the peace and the principal officers of any municipal or other inferior court in adjoining counties or any other county or counties in the twelfth judicial district which do not provide for the use of their own convicts on public roads within their own borders, shall sentence prisoners convicted of

Convicts from
other counties to
be assigned to
Haywood
county.

Costs to be paid by Haywood county.

Proviso:
Prisoners from other counties returned.

Proviso:
Prisoners physically disabled.

Roads to be surveyed and located by engineer.

Engineer and assistants to be paid from road fund.

Grade and width of roads.

How roads drained.

Proviso:
Grade may be increased in certain cases.

Proviso:
Width where blasting is necessary.

Power of superintendent to enter upon adjacent land for materials or drains.

crimes aforesaid to work on the public roads of said county of Haywood, and the cost of transporting, guarding and maintaining such prisoners, as may be sent to the said commissioners of Haywood county from said adjoining counties or other counties in the twelfth judicial district, shall be paid by the county of Haywood: *Provided*, that any and all such prisoners from such other counties, may at any time be returned to the keeper of the common jail of such counties, at the expense of the county of Haywood: *Provided, further*, that in cases of physical disability persons convicted in said superior or criminal or inferior courts of Haywood or other counties may be sentenced to the penitentiary or to the county jail.

SEC. 10. That the principal public roads to be improved or constructed in accordance with the provisions of this act shall be first carefully surveyed and located by an engineer trained and experienced in such work, aided by the county road superintendent and such assistants as it may be necessary for him to employ, the same to be paid out of the road fund of the county, for services and expenses as may be agreed upon by the county commissioners. All such public roads shall be given a grade nowhere greater than one foot in twenty and a width of not less than twenty feet, clear of ditches, trees, logs and other obstructions. All such roads shall be thoroughly drained, and wherever it may be necessary to turn water across the road this shall be done by putting sewer pipes or other forms of covered drains, culverts or bridges: *Provided*, that, where, in the opinion of an experienced and competent engineer insurmountable obstructions make the grade of one foot in twenty impracticable, the grade may be increased to one foot in fifteen for distances of less than one hundred feet in any one place; and *Provided further*, that in places where the roadway must be blasted out in hard rock the width of said roadway shall be not less than twelve feet.

SEC. 11. That for the purpose of carrying out the provisions of this act the said superintendent and supervisors are hereby authorized to enter upon any uncultivated lands, or improved lands unincumbered by crops, near to or adjoining such roads, to cut and carry away timbers except trees or groves on improved land planted or left for ornament or shade, to dig or cause to be dug and carried away any gravel, sand or stone which may be necessary to construct, improve or repair said road, and to enter on any lands adjoining or lying near the road in order to make such drains or ditches through the same as he may deem necessary for the betterment of the road, doing as little injury to said lands and the timber or improvements thereon as the

nature of the case and the public good will permit, and the drains and ditches so made shall be conducted to the nearest ditch, water course or waste ground and shall be kept open by the said superintendent or supervisors, and shall not be obstructed by the owner or occupant of said lands, or any other person or persons, under the penalty of forfeiting a sum not exceeding ten dollars or imprisonment for not exceeding twenty days for each and every offense, said penalty to be collected by the said superintendent or supervisors and paid over to the county treasurer and applied to the road fund of the county. If the owner of any lands, or the agent or agents of such owner having in charge lands from which timber, stone or gravel were taken, as aforesaid, shall present an account of the same, through the county road superintendent, at any regular meeting of the county commissioners within thirty days after the taking and carrying away of such timber, stone or gravel, it shall be the duty of said commissioners to pay for the same such sum as may be agreed upon by them or by an impartial jury of three freeholders, one to be selected by the county superintendent of roads, one by the party claiming damages, and the third to be selected by these two, with the right of either party to appeal as provided for in section twelve of this act.

SEC. 12. That the county superintendent of roads is hereby given discretionary power with the aid of a competent engineer to re-locate or change any part of any public road where, in his judgment, such re-location or change will prove advantageous to public travel. That when any person or persons on whose lands the new road or part of road is to be located claims damages therefor, and within thirty days petitions the board of county commissioners for a jury to assess the damages the said commissioners, within not less than fifteen nor more than sixty days after the completion of said road, shall order said jury to be summoned as provided by law in section two thousand and twenty-three (2023) of *The Code*; and said jury in considering the question of damages shall also take into consideration the benefits to public travel and to the owner of the land, and if said benefits be considered equal to or greater than the damages inflicted the jury shall so declare. That the county superintendent of roads, in default of the owner of said land paying the sum awarded as benefits in excess of damages by said jury, be and he is hereby authorized and empowered to institute a suit in the superior court of Haywood county, in the name of the board of commissioners of the county of Haywood, to recover said sum from the owner or owners of said lands.

Drains and ditches to be kept open by superintendent.

Penalty for obstructing drains and ditches.
How penalties collected and applied.

How materials taken for road paid for.

Power of superintendent to re-locate or change road.

How damages to land ascertained and paid.

Superintendent to sue for excess of benefit over damages.

Recovery to be paid into road fund.

Right of appeal from award of jury.

Proviso:
Appeal without bond.

Matter on appeal to be heard *de novo*.

Proviso:
Costs not to exceed damages.

Failure of officers or employees to discharge duties a misdemeanor.

Penalty.

And such sum as shall be recovered shall be paid into the road fund of said county.

SEC. 13. That in case either of the two interested parties shall be dissatisfied with the finding of the juries provided for in sections eleven and twelve of this act, such dissatisfied party may appeal from the decision of said jury to the county commissioners, and if dissatisfied with their decision may in turn appeal to the superior court of the county of Haywood: *Provided, however*, that an appeal may be taken from the judgment of the board of commissioners by either party without bond, and the same shall be heard *de novo*; but the judge may in his discretion require either party to give bond when the case is taken by appeal to the superior court: *Provided, further*, that the party to whom damages are awarded shall recover no more cost than a sum equal to the amount of damages so awarded.

SEC. 14. That any officer or employee appointed by virtue of this act or to whom duties are assigned in this act, who shall fail to make complete returns within the times prescribed therein or who shall otherwise fail to discharge the duties imposed upon him by this act, shall, in all cases where penalties for such failure are not provided in this act, be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than five hundred dollars (\$500) or imprisoned not more than two years at the discretion of the court.

SEC. 15. That all laws and parts of laws in conflict with this act are hereby repealed.

SEC. 16. This act shall be in force from and after its ratification.

Ratified the 5th day of March A. D. 1897.

CHAPTER 250.

An act for the better drainage of certain lowlands in Lincoln county.

The General Assembly of North Carolina do enact:

Drainage district.

SECTION 1. That Keever's branch in Lincoln county, from its entrance into Killian's creek, to a point on the Beatties ford road, in the lands of W. S. and C. Tucker, running through the lands of Francis Johnston, Minerva King, Jane C. Derr, Andrew J. Derr, Ephraim Keever, Jacob P. Keever, R. A. Keever, Dan-

iel F. Keever, Susan Keever, Wilson S. Tucker and Clay G. Tucker, and the lands lying on and tributary to the said branch between the said points, are hereby constituted a drainage district for the purposes mentioned in this act.

SEC. 2. That R. A. Keever, Abner A. Keever and Daniel F. Keever be and they are hereby appointed a commission who shall before May the 1, 1897, lay said branch and tributaries off into sections or a section, straightening or altering its course, as may be expedient for best and most economical drainage, and shall determine as far as practicable the width, breadth and depth to which it shall be cut and maintained, and shall appoint an overseer of each section who shall hold office until August, 1898.

Commissioners appointed.

Duty of commissioners.

SEC. 3. The said commissioners shall estimate the amount of bottom land drained in said district, making a list of the owners and the number of acres owned by each as nearly as may be practicable by estimation. They shall likewise determine the number of acres for which a landowner shall be required to furnish a hand to work: *Provided, however*, that each landowner shall furnish at least one hand. They shall furnish the overseer with the number of hands required from each landowner.

Commissioners to apportion work to landowner.

Proviso:
Each landowner to furnish at least one hand.
Overseer to be furnished with apportionment.

SEC. 4. Any landowner may pay the overseer one dollar per day in lieu of each hand that he is required to furnish, provided payment is made at least three days before the day appointed to work.

Money payment in lieu of furnishing hands.

SEC. 5. The commissioners above named shall make a report to the supervisors of roads of Catawba Springs township of Lincoln county of the drainage district, with names of the overseers, at their meeting in August, 1897. Said report shall be entered upon their records, and the said supervisors beginning in August, 1898, shall annually appoint overseers for the district.

Commissioners to report to road supervisors.

SEC. 6. The overseer may accept laborers offered as substitutes for the landowners if he approve the same.

Supervisors to appoint future overseers.

Overseers power to accept laborers.

SEC. 7. The overseer for the first year shall work upon the said stream with the said hands during such time as he, with the concurrence of the said commissioners, shall deem necessary to open, clear and cut the necessary drainage, and shall each year thereafter work upon the same not less than one or more than ten days as may be necessary to put and keep it in good condition. He shall also apply all moneys paid in lieu of work or collected as penalties in hiring hands and buying materials or tools for work, and shall in his annual report to the supervisors account for all moneys so received.

What work to be done first year.

What in succeeding years.

Money payments in lieu of hands and penalties to be used on work.
Annual report of overseer.

SEC. 8. The overseer shall have power to stop or change

Power of over-

seer to stop washes and inflowing of sand.

Landowners not furnishing hands or paying for same guilty of misdemeanor.

Penalty.

Notice to non-resident land owners.

Liability of overseers.

Penalties to be paid to overseers.

Notice to land owners.

Persons felling timber in or otherwise obstructing water courses guilty of a misdemeanor.

Penalty.

No exemption from road work.

all washes and to prevent the inflowing of sand upon the bottom lands of said district.

SEC. 9. Any person owning lands in said drainage district who shall fail, when notified by the overseer to work or furnish the hand or hands required of him to work or to pay the one dollar per day for each day and hand required of him, shall be deemed guilty of a misdemeanor and upon conviction before a justice of the peace of Lincoln county shall be fined not less than ten dollars, or more than thirty dollars, or imprisoned for a term not exceeding thirty days in the common jail of the said county, for each and every offence.

SEC. 10. Notice to non-residents of the township who own lands in the said district at the time of working shall be served on their agents in the township if any, and if there be no agent in the township then on the tenant or cropper working or in possession of said lands.

SEC. 11. Overseers shall be liable to penalties as prescribed by law for overseers of public roads. All penalties from those liable for non-compliance with the provisions of this act shall be collected by and paid to the overseer or overseers.

SEC. 12. Overseers shall give five days' notice to landowners as above prescribed of the time and place of working and the kind of tool required of each hand.

SEC. 13. Any person who shall knowingly and willfully fell any timber or otherwise obstruct the water courses of said drainage district and allow the same to remain therein for five days or more, shall be deemed guilty of a misdemeanor, and upon conviction before any justice of the peace in Lincoln county shall be fined not less than five or more than ten dollars, or imprisoned not exceeding ten days.

SEC. 14. Nothing in this act shall be construed to except persons therein mentioned from working on public roads.

SEC. 15. This act shall be in force from and after its ratification.

Ratified the 5th day of March, A. D. 1897.

CHAPTER 251.

"An act to provide for the inspection and regulation of mines."

The General Assembly of North Carolina do enact :

SECTION 1. That chapter 113 of the laws of 1897 is amended by adding to the duties of the commissioner of labor statistics that of "mine inspector" as herein provided for, which officer is called in this act "inspector."

Commissioner of Labor Statistics made "Mine Inspector."

SEC. 2. It shall be the duty of the inspector to examine all the mines in the state as often as possible to see that all the provisions and requirements of this act are strictly observed and carried out; he shall particularly examine the works and machinery belonging to any mine, examine into the state and condition of the mines as to ventilation, circulation and condition of air, drainage and general security; he shall make a record of all examinations of mines, showing the date when made, the condition in which the mines are found, the extent to which the laws relating to mines and mining are observed or violated, the progress made in the improvements and security of life and health sought to be secured by the provisions of this act, number of accidents, injuries received or deaths in or about the mines, the number of mines in the state, the number of persons employed in or about each mine, together with all such other facts and information of public interest, concerning the condition of mines, development and progress of mining in the state as he may think useful and proper, which record shall be filed in the office of the inspector, and as much thereof as may be of public interest to be included in his annual report. In case of any controversy or disagreement between the inspector and the owner or operator of any mine, or the persons working therein, or in case of conditions of emergencies requiring counsel, the inspector may call on the governor for such assistance and counsel as may be necessary; should the inspector find any of the provisions of this act violated, or not complied with by any owner, lessee or agent in charge, of such neglect or violation, and unless the same is within a reasonable time rectified, and the provisions of this act fully complied with, he shall institute an action to compel the compliance therewith. The inspector shall exercise a sound discretion in the enforcement of this act. For the purpose of making the inspection and examinations provided for in this section, the

Duty of commissioner to examine mines.

Record of examinations to be made. What record to show.

Report to be filed and in part published.

In case of disagreement Inspector to call on Governor for assistance and counsel.

Inspector to bring actions for enforcement of act.

Discretion of Inspector.

Powers of
Inspector in
making inspec-
tions.

Inspector shall have the right to enter any mine at all reasonable times, by night or by day, but in such manner as shall not necessarily obstruct the working of the mine; and the owner or agent of such mine is hereby required to furnish the means necessary for such entry and inspection; the inspection and examination herein provided for shall extend to fire-clay, iron ore and other mines as well as coal mines.

What mines to be
inspected.

Inspector to
make personal
inspection.

SEC. 3. The inspector shall make such personal inspection of the mines as he may deem necessary, and his other duties will permit; he shall keep in his office and carefully preserve all maps, surveys and other reports and papers required by law to be filed with him, and so arrange and preserve the same as shall make them a permanent record of ready, convenient and connected reference; he shall compile and consolidate the reports and

Records to be
kept.

Annual reports.

annually make report to the governor of all his proceedings, the condition and operation of the different mines of the state, and the number of mines and the number of persons employed in or about such mines; the amount of coal, iron ore, limestone, fire-clay or other mineral mined in this state; and for the purpose of enabling him to make such report, the owner, lessee or agent in charge of such mine, who is engaged in mining, and the owner, lessee or agent of any firm, company or corporation in charge of any fire-clay or iron ore mines, or any limestone or quarry, or who is engaged in mining or producing any mineral whatsoever in this state, shall, on or before the 30th day of November in every year, send to the office of the inspector upon blanks, to be furnished by him, a correct return, specifying with respect to the year ending on the preceding 1st day of October, the quantity of coal, iron ore, fire-clay, limestone or other mineral product in such mine or quarry, and the number of persons ordinarily employed in or about such mine or quarry below and above ground, distinguishing the persons and labor below ground and above ground. Every owner, lessee or agent of a mine or quarry who fails to comply with this section, and makes any return which to his knowledge is false in any particular, shall be deemed guilty of a misdemeanor; he shall enumerate all accidents, and the manner in which they occurred in or about the mines, and give all such other information as he thinks useful and proper, and make such suggestions as he deems important relative to mines and mining, and any other legislation that may be necessary on the subject for the better preservation of the life and health of those engaged in such industry.

Reports to be
made by persons
operating mines.

Failure to make
report a misde-
meanor.

Accidents to be
reported.

Suggestions for
further legisla-
tion.

Coal mines to
have two open-
ings.

SEC. 4. It is unlawful for the owner or agent of any coal mine, worked by shaft, to employ or permit any person to work therein, unless there are, to every seam of coal worked in such

mine, at least two separate outlets, separated by natural strata of not less than one hundred feet in breadth, by which shafts or outlets distinct means of ingress and egress are always available to the persons employed in the mine; but it is not necessary for the two outlets to belong to the same mine, if the persons employed therein have safe, ready and available means of ingress or egress by not less than two openings. This section shall not apply to opening a new mine, while being worked for the purpose of making communications between said two outlets, so long as not more than twenty persons are employed at one time in such mine; neither shall it apply to any mine or part of a mine in which the second outlet has been rendered unavailable by reason of the final robbing of pillars previous to abandonment, as long as not more than twenty persons are employed therein at any one time. The cage or cages and other means of egress shall at all times be available for the persons employed, when there is no second outlet. The escapement shafts shall be fitted with safe and available appliances by which the persons employed in the mine may readily escape in case an accident occurs, deranging the hoisting machinery at the main outlets, and such means or appliances of escape shall always be kept in a safe condition; and in no case shall an air shaft with a ventilating furnace at the bottom be construed to be an escapement shaft, within the meaning of this section. To all other coal mines, whether slopes or drifts, two such openings or outlets must be provided, within twelve months after shipments of coal have commenced from such mine; and in case such outlets are not provided as herein stipulated, it shall not be lawful for the agent or owner of such slope or drift to permit more than ten persons to work therein at any one time.

Not to apply in certain cases.

Cages to be available.

Escapement shafts.

Air shafts not construed as escapement shafts.

Two outlets to be provided within twelve months of shipments commenced.

SEC. 5. The owner or agent of any coal mine, whether shaft, slope or drift, shall provide and maintain for every such mine an amount of ventilation of not less than one hundred cubic feet per minute per person employed in such mine, which shall be circulated and distributed throughout the mine in such a manner as to dilute, render harmless and expel the poisonous and noxious gases from each and every working place in the mine, and no working place shall be driven more than sixty feet in advance of a break through or airway, and all break throughs or airways, except those last made near the working places of the mine, shall be closed up by brattice trap doors, or otherwise so that the currents of air in circulation in the mine may spread to the interior of the mine when the persons employed in such mine are at work, and all mines governed by the statute shall

Ventilation.

Artificial means of ventilation.	be provided with artificial means of producing ventilation such as forcing or suction fans, exhaust steam furnaces, or other contrivances of such capacity and power as to produce and
Mines generating fire damp to be examined daily.	maintain an abundant supply of air, and all mines generating fire damp shall be kept free from standing gas, and every working place shall be examined every morning with a safety lamp by a competent person or persons before any of the workmen are allowed to enter the mine. All underground entrances to
Underground entrances to be fenced.	any place not in actual course of working or extension shall be properly fenced across the whole width of such entrance so as to prevent persons from inadvertently entering the same. No
Engineers in charge of lowering and hoisting engines.	owner or agent of any coal mine operated by a shaft or slope shall place in charge of any engine used for lowering into or hoisting out of mines persons employed therein any but experienced, competent and sober engineers, and no engineer in charge of such engine shall allow any person except such as may be deputed for such purposes by the owner or agent to interfere with it or any part of the machinery, and no person shall interfere or in any way intimidate the engineer in the discharge of his duties, and in no case shall more than two men
Only two persons to ride on one car.	ride on any cage or car at one time, and no person shall ride upon a loaded cage or car in any shaft or slope.
No person to ride on loaded cars.	
Safety lamps—To be property of mine operator—Examination of lamps.	SEC. 6. All safety lamps used in examining mines, or for working therein, shall be the property of the operator of the mine, and a competent person shall be appointed for the purpose, who shall examine every safety lamp before it is taken into the workings for use, and ascertain it to be clean, safe and securely locked, and safety lamps shall not be used until they have been so examined and found safe and clean and securely locked, unless permission be first given by the mine foreman, to have the lamps used unlocked. No one, except the duly authorized person, shall have in his possession a key, or any other contrivance, for the purpose of unlocking any safety lamp in any mine where locked lamps are used. No matches or any other apparatus for striking lights shall be taken into any mines, or parts thereof, except under the direction of the mine foreman.
Keys to lamps.	All persons violating the provisions of this section shall be deemed guilty of a misdemeanor. The mine foreman shall
Apparatus for striking lights not to be taken into mines.	measure the ventilation at least once a week, at the inlet and outlet, and also at or near the face of all the entries, and the measurement of air so made shall be noted on blanks furnished by the inspector; and on the first day of each month the mine boss of each mine shall sign one of such blanks, properly filled with the said actual measurement, and present the same to the inspector, and any mining boss making false returns of such air
Misdemeanor.	
Foreman to measure ventilation.	
Returns to be forwarded to inspector.	
False returns a misdemeanor.	

measurement shall be deemed guilty of a misdemeanor. Every person having charge of any mine, whenever loss of life occurs by accident connected with the workings of such mines, or by explosion, shall give notice thereof forthwith, by mail or otherwise, to the inspector, and to the coroner of the county in which such mine is situated, and the coroner shall hold an inquest upon the body of the person or persons whose death has been caused, and inquire carefully into the cause thereof, and shall return a copy of the finding and all the testimony to the inspector. The owner, agent or manager of every mine shall, within twenty-four hours next after any accident or explosion, whereby loss of life or personal injury may have been occasioned, send notice, in writing, to the inspector, and shall specify in such notice the character and cause of the accident, and the name or names of the persons killed and injured, with the extent and nature of the injuries sustained; when any personal injury, of which notice is required to be sent under this section, results in the death of the person injured, notice in writing shall be sent to the inspector within twenty-four hours after such death comes to the knowledge of the owner, agent or manager; and when loss of life occurs in any mine by explosion, or accident, the owner, agent or manager of such mine shall notify the inspector forthwith of the fact, and it shall be the duty of the inspector to go himself, or send a representative, at once to the mine in which said death occurred, and inquire into the cause of the same, and to make a written report, fully setting forth the condition of the part of the mine where such death occurred, and the cause which led to the same; which report shall be filed by the inspector in his office as a matter of record, and for future reference. For any injury to person or property, occasioned by any wilful or intentional violation of this act, or any wilful failure to comply with its provisions by any owner, agent or manager of the mine, a right of action shall accrue to the party injured for any direct damage he may have sustained thereby; and, in any case of loss of life by reason of such wilful neglect or failure aforesaid, a right of action shall accrue to the personal representative of the deceased, as in other actions for wrongful death for like recovery of damages for the injury sustained.

SEC. 7. The owner, agent or manager of any mine shall also give notice to the inspector in any or all of the following cases:

1. When any working is commenced for the purpose of opening a new shaft, slope or mine, to which this act applies.
2. When any mine is abandoned, or the working thereof discontinued.
3. When the working of any mines is recommenced after an

Fatal accidents to be reported to Inspector and coroner.

Coroner to hold inquest and make report to Inspector.

Accidents to be reported to Inspector.

What to be specified in notice to inspector.

Personal injuries resulting in death.

Duty of inspector on receiving notice of accident.

Right of action of party injured.

Right of action of personal representative in case of death.

Further notice to be sent to inspector.

Opening of a new shaft, slope or mine.

Abandonment or discontinuance of mine.

Re-opening of mine after abandonment. Changes affecting safety.

Boys under 12 not allowed to work in mines.

Powers of inspector to investigate as to age of minors.

Power of inspector to stop work miners not complying with law.

Remedy cumulative.

Act not to apply to mines not working more than ten hands. Powers of inspectors as to excepted mines.

Enumeration of acts or omissions constituting misdemeanor.

abandonment or discontinuance for a period exceeding three months. 4. When a squeeze or crush, or any other cause or change, may seem to affect the safety of persons employed in the mine, or when fire occurs. No boy under twelve years of age shall be allowed to work in any mine, and in all cases of minors applying for work, the agent of such mine shall see that the provisions of this section are not violated; and the inspector may, when doubt exists as to the age of any minors found working in any mine, qualify and examine the said minor, or his parents as to his age. In case any coal miner does not, in appliances for the safety of the persons working therein, conform to the provisions of this act, or the owner or agent disregard the requirements of this act, any court of competent jurisdiction may, on application of the inspector, by civil action in the name of the state, enjoin or restrain the owner or agent from working or operating such mines until it is made to conform to the provisions of this act; and such remedy shall be cumulative, and shall not take the place of or effect any other proceedings against such owner or agent authorized by law for the matter complained of in such action.

SEC. 8. The provisions of this act shall not apply or effect any mine in which not more than ten men are employed at the same time; but the inspector shall at all times have free ingress to such mines for the purpose of examination and inspection and shall direct and enforce any regulation in accordance with the provisions of this act that he may deem necessary for the safety of the health and lives of the miners employed therein; whosoever knowingly violates any of the provisions of this act or does anything whereby the life or health of the persons or the security of any mine and machinery are endangered, or any miner or other person employed in any mine governed by the statutes, who intentionally or wilfully neglects or refuses to securely prop the roof of any working place under his control, or neglects or refuses to obey any orders given by the superintendent of a mine in relation to the security of a mine in the part thereof where he is at work and for fifteen feet back of his working place, or any miner, workman or other person who shall knowingly injure any water gauge, barometer, air course or brattice, or shall obstruct or throw open any air ways, or shall handle or disturb any part of the machinery of the hoisting engine or signaling apparatus or wire connected therewith, or air pipes or fittings, or open a door of the mine and not have the same closed again whereby danger is produced either to the mine or those that work therein, or who shall enter any part of the mine against caution, or who shall disobey any order given in pursu-

ance of this act, or who shall do any willful act whereby the lives and health of the persons working in the mines or the security of the mine or the machinery thereof is endangered, or person having charge of a mine whenever loss of life occurs by accident connected with the machinery of such mine or by explosion, who neglects or refuses to give notice thereof forthwith by mail or otherwise to the inspector and to the coroner of the county in which such mine is situated, or any such coroner who neglects or refuses to hold an inquest upon the body of the person whose death has been thus caused, and return a copy of his findings and a copy of all the testimony to the inspector, shall be guilty of a misdemeanor, and upon conviction fined not less than fifty dollars or imprisoned in the county jail not more than thirty days or both. The owner, agent or operator of every coal mine shall keep a supply of timber constantly on hand, and shall deliver the same to the working place of the miner, and no miner shall be held responsible for accident which may occur in the mine where the provisions of this section have not been complied with by the owner, agent or operator thereof, resulting directly or indirectly the failure to deliver such timber.

Penalty.

Supply of timber to be kept on hand.

Miner not responsible for accident caused by failure to deliver timber.

SEC. 9. This act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1897.

CHAPTER 252.

An act to provide for the opening and better drainage of Mill Creek or Brock Branch in the county of Davie.

The General Assembly of North Carolina do enact:

SECTION 1. That M. B. Brock, John L. Ward and G. W. Nicholson, be and are hereby appointed creek commissioners, whose duty it shall be to, upon complaint of any one affected by the condition of said creek, inspect that portion complained of and determine what is necessary to place said stream in good condition, and further, to order the landowner or owners on that portion of same to open, straighten or clear said ditch.

Creek Commissioners.
Duty.

SEC. 2. Any landowner or owners failing, after twenty days' notice given by the creek commissioners, to comply with the order of said commissioners as set forth in the preceding section, shall be guilty of a misdemeanor and fined not less than ten nor more than twenty dollars.

Land owners failing to comply with orders guilty of a misdemeanor.
Penalty.

Misdemeanor for Creek Commissioners to refuse to perform duty.

Penalty.

Proviso: Creek commissioners not required to serve more than two years.

Vacancies.

When Creek commissioners to meet and organize.

Future meetings.

SEC. 3. Any creek commissioner refusing to comply with and perform the duties required of them by this act shall be guilty of a misdemeanor and fined not less than ten nor more than twenty dollars: *Provided*, that no commissioner shall be required to hold his office for a longer term than two years, and upon the expiration of the term of office of above-named commissioners or in case of vacancy by death, removal or otherwise, it shall be the duty of the county commissioners for Davie county to fill such vacancy by the appointment of some suitable person in his stead.

SEC. 4. That said creek commissioners shall meet at some convenient place on or before the first Monday in April, 1897, and organize by electing one of their number chairman, whose duty it shall be to call a meeting of said commissioners at any time to hear complaints or to perform the duties required of them by this act.

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

Ratified the 5th day of March, A. D. 1897.

CHAPTER 253.

An act to work convicts on certain roads in Anson county.

The General Assembly of North Carolina do enact:

Convicts on state farm to work road.

SECTION 1. That the male convicts on the State farm in the county of Anson shall work on the Charlotte and Concord public roads in said county from the furthest limits of the State farm on said roads to the town of Wadesboro, not less than two nor more than six days in the year as provided for other citizens to work on public roads.

Supervisors to assign hands and appoint overseers.

SEC. 2. That the board of road supervisors for Wadesboro township in said county may assign said convicts to work on said roads and appoint an overseer. The superintendent of said farm on being notified on what day to begin work on said roads by said overseer shall cause the said convicts to be carried to said roads at the appointed time under guard with such tools, stock and implements as may be designated by said overseer, and shall cause them to work on the aforesaid roads for such time as the overseer may require not exceeding the limit of time herein provided for. The said supervisors and overseer

Superintendent of farm to have convicts carried to road and worked.

When convicts to be worked.

shall require said working by said convicts in the month of August after crops are laid by or at convenient times in the fall or winter seasons after crops are gathered.

SEC. 3. The convicts shall at such times be under the care and control of the farm superintendent, and the supervisors and overseer of said roads shall only have power to notify the superintendent as aforesaid and direct the character of work to be done on said roads.

Convicts to be under care and control of farm superintendent. Power of supervisors or overseer

SEC. 4. That the said overseer may cause timber, stone and earth to be taken from lands adjacent or contiguous to said roads for use in the repair or construction of any part of said roads; and if the land-owner be injured by the same to a greater degree than he is benefited by the improvement of said roads, the county commissioners may order the county treasurer to pay said land owner his actual damages on his making proof of the same to the board of county commissioners.

Power of overseer to take material for road.

Materials taken may be paid for.

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

Ratified the 5th day of March, A. D. 1897.

CHAPTER 254.

An act to incorporate the Carolina Southern Railway and Lumber Company.

The General Assembly of North Carolina do enact:

SECTION 1. That P. L. Bridgers, W. W. Rowland, H. A. Townsend and such other parties as may be associated with them and their successors and assigns, be and they are hereby created a body corporate by the name of the Carolina Southern Railway and Lumber Company, under which name, for thirty (30) years from the ratification of this act, it shall have succession, and a common seal, may sue and be sued, plead and be impleaded, and enjoy all the powers, rights and privileges, of other like corporations under existing laws, or those hereafter passed. The duration of said corporation shall be thirty (30) years from the ratification of this act.

Corporators.

Corporate name.

Term of corporation.

Corporate powers.

Term of corporation.

SEC. 2. The capital stock of said company shall be twenty-five thousand dollars, divided into shares of fifty dollars each, and all subscriptions to the capital stock may be paid in money,

Capital stock. How subscriptions may be paid.

labor, land, materials or other things of value as may be agreed upon between the company and the subscribers; and the shareholders of said company may from time to time increase the capital stock to an amount deemed requisite for the best interest of the company not to exceed \$150,000.00, divided into shares of fifty dollars each. In all stockholders meetings each share shall entitle the owner to one vote.

Votes of stockholders.

Books of subscription may be opened.

When company to organize.

Directors.

President.

Certificates of stock.

How stock transferred.

By-laws.

SEC. 3. Books of subscription may be opened by any two of the corporators hereinbefore named at such times and places as they may appoint, and after ten per cent. of the capital stock has been subscribed, and paid in, then the stockholders may organize said company by the election of a board of directors, to consist of not less than three members, and said directors shall elect one of their own body as president of the company.

SEC. 4. Certificates of stock shall be issued to the subscribers under the direction of the board of directors, signed by the president and secretary of said company, and authenticated by its seal, and such certificates shall be transferable in such manner as may be prescribed by the by-laws of the company.

SEC. 5. The said company shall have power to make all such by-laws and regulations, consistent with the laws of the state, for its own government, and for the due and orderly conduct of its affairs and the management of its property as it may see fit, and to change the same at pleasure. It shall have power to fix the number of directors, not less than three, to provide for their election, and to define their powers, and to provide for the election of such officers as may be desired.

Principal office.

The principal office of the company shall be in the city of Wilmington, North Carolina.

Power to build railroad.

Beginning point.

Terminus.

Branches.

SEC. 6. The said company is hereby authorized to construct, equip and operate a railroad of standard gauge from some point on the Carolina Central railroad, between Lumberton and Pembroke, or from some point on the Wilmington and Weldon Railroad, between Rowland and Pembroke, as may be deemed most desirable after survey, in the general direction of Ashpole village, to a point in Robeson county, at or near Ashpole village; and also to construct, equip and operate branches to the said railroad in any direction, such branches not to exceed twenty-five miles in length. The said company shall also have power, in the manner now provided by law, to cross other railroads at grade, and to connect with any railroad now or hereafter chartered and built; to purchase and consolidate with any such railroad, under any corporate name, the parties in interest may choose; and the said company shall have full power to dispose of by sale, lease, or otherwise, the said railroad, and all other

Power to cross or connect with other railroads.

May cease to operate.

property of the company, or any part thereof, and to cease to operate and to remove the railroad and telegraph and telephone lines whenever the operation becomes unprofitable.

SEC. 7. The said company is hereby authorized to build and operate telegraph and telephone lines upon its road or any part thereof. Telegraph and telephone lines.

SEC. 8. The said company is empowered to purchase, build, own and operate lumber mills; to conduct a general lumber business in all its branches; to conduct a general mercantile business at such points on its lines as it may desire; and it may purchase lands and timber, and such personal property as it may deem necessary and proper for the efficient conduct of its business; all of which property may be acquired, held, used and disposed of, at the discretion of the company, in any manner not inconsistent with law: *Provided*, that said company shall have power to hold at the same time any number of acres of land, even exceeding three hundred (300) acres. Further corporate powers.

SEC. 9. The said company is empowered to borrow money for the construction, maintenance and operation of said railroad and other enterprises hereby authorized, and issue bonds therefor, and to execute and deliver mortgages and deeds of trust upon the franchises and property of the company to secure the payment of said bonds. Proviso:
Power to hold land.

Power to borrow money and secure same.

SEC. 10. That if work is not begun within two years from the ratification of this act, then this charter is to become void; otherwise to remain in full force and effect. When work to begin.

SEC. 11. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 12. That this act shall be in force from and after its ratification.

Ratified the 5th day of March, A. D. 1897.

CHAPTER 255.

An act to establish a school for the training of colored teachers.

The General Assembly of North Carolina do enact:

SECTION 1. That there shall be established an institution for the colored race under the corporate name of the North Carolina Industrial and Training School for Colored Teachers, the School to be established.
Corporate name.

Body politic and corporate.	board of directors of which, hereinafter provided for, shall be a body corporate and politic, with all the powers usually conferred upon such bodies, enabling them to receive, protect and hold property, and do all things necessary for the purpose for which the corporation is created.
Corporate powers.	
Directors to locate school.	SEC. 2. That the institution shall be located by the board of directors as elected by the General Assembly of North Carolina at some suitable place where the citizens thereof will furnish the necessary buildings or money sufficient to erect them.
Institution to be managed by directors.	SEC. 3. That the institution shall be managed by a board of directors, and the first board shall be elected by the General Assembly of North Carolina. Said board of directors shall consist of nine persons, one from each congressional district, whose regular term of office shall be six years from the first day of March next after their election. The state board of education shall divide the directors into classes of three each; the term of office of the first class shall be two years from the first day of March next after their election; of the second, four years; of the third, six years.
How first directors elected and number.	
Regular term of office.	
Directors divided into classes.	
Term of first class.	
Term of second class.	
Term of third class.	
How successors elected.	The General Assembly shall elect directors to fill vacancies as they may occur by the expiration of the term of office.
Governor to fill vacancies.	Vacancies that may occur by death or resignation or otherwise, shall be filled for the unexpired term by the governor of the state.
Directors to be sworn.	All directors shall take an oath faithfully to perform their duties as required in this act, and shall hold office until their successors are elected and qualified.
Superintendent of Public Instruction a director.	The state superintendent of public instruction shall be an additional member of the board of directors and shall be its president.
Directors to report biennially.	The board of directors shall report biennially before the meeting of each General Assembly, to the governor, the operations of the institution.
When directors to meet.	SEC. 4. That as soon as the institution shall have been located and the directors elected the president shall call a meeting of the directors, who shall make rules and regulations and provide for the opening of the institution: <i>Provided</i> , that the board of directors shall make such regulations about the admission of pupils as will not discriminate against any county as to the number of pupils allowed it, in case all applicants cannot be accommodated: <i>Provided, further</i> , that each county shall have representation in proportion to its colored population if it desires it, and should any county fail to avail itself of its proportionate number, the board of directors may
Proviso: No county to be discriminated against.	
Proviso: County representation proportioned to colored population.	

recognize applicants from counties which already have their proportionate representation.

SEC. 5. The object of the institution shall be, *first* (1st) to give colored men and women such education and training as will fit them for their work as professional teachers. *Second* (2d), to provide such industrial and liberal education and advanced methods of instruction as will render more efficient and practical the colored schools of North Carolina. Tuition shall be free to those who signify their intention to teach in the state, upon such conditions as may be prescribed by the board of directors.

Objects of institution.

Tuition free to persons intending to teach.

SEC. 6. The institution shall be in regular session for at least thirty weeks per annum, and the instructors in addition to their duties at the institution, may assist in institute work in various sections of the state under such regulations as may be made by the board of directors, and county board of education, the directors and faculty of the institution upon the completion of the prescribed course, shall grant certificates, which shall entitle the holder to teach in any county of the state without further examination, subject to the general school laws of the state as to character.

Sessions of institution.

Instructors to assist in institute work.

Certificates and effect of same.

SEC. 7. That as soon as the buildings shall have been erected or furnished as provided for in this act, the sum of five thousand (\$5,000) dollars per annum from the general fund in the state treasury be appropriated for the purpose herein set forth. Money appropriated in this act shall be drawn by a warrant of the board of directors or by such person as they may designate as treasurer.

Appropriation for maintenance.

How money drawn.

SEC. 8. That for the purpose of this act, the authorities of any incorporated city or town, may appropriate money from their funds for the building of this institution, or they may from the provisions of the general election law, and in accordance with section thirty-seven hundred and eighty-eight (3788) of *The Code*, order and hold an election and take the sense of the qualified voters upon "subscription" or "no subscription" of a definite sum to be paid in money or bonds, and if a majority of the voters shall vote for "subscription" the authorities shall have full power to make good the subscription in money or bonds which they may issue, and for whose payment, principal and interest they shall provide.

Any city or town may appropriate funds for establishing institution.

Question of subscription may be submitted to the people. Ballots.

If majority of voters favor subscriptions same may be made.

SEC. 9. That it shall be the duty of the faculty of the institution to extend its influence and usefulness as far as possible to persons who are unable to avail themselves of its advantages as resident students; having respect to the claims of each county in the State. To this end they shall arrange a course of reading and study which may be pursued by others than

Faculty of institution to arrange outside course of reading and study.

Certificates
granted upon
examination in
outside course.

those resident at the institution. Upon application of any colored teacher for examination, at the institution, upon this course, an examination shall be held, and if such examination prove satisfactory, the regular certificate of the institution shall be granted.

Selection of loca-
tion.

Proviso :
Boarding hall.

If donation not
secured for
establishment
appropriation
may be used.

SEC. 10. That in selecting the location, the directors shall have regard to health, accessibility, and low rates of board in private families: *Provided*, that shall it become necessary to establish a boarding hall in connection with the institution, the board shall be furnished at actual cost. In case it shall be impossible to secure the necessary funds, by donation for the immediate establishment of the institution, as provided for in this act; such part as may be necessary of the first year's appropriation of five thousand (\$5,000) dollars, made by this act, may be used for that purpose: *Provided*, further, that said amount shall not exceed one-half of the annual appropriation.

Proviso:
Not more than
half appropriation
used for
building.

SEC. 11. This act shall be in force from and after its ratification.

Ratified the 5th day of March, A. D. 1897.

CHAPTER 256.

An act to change the time for holding the courts of the seventh judicial district.

The General Assembly of North Carolina do enact :

Times of courts
fixed.

Anson county.

SECTION 1. That the superior courts of the Seventh Judicial district shall be held at the following time to-wit :

Anson county: Eighth Monday before the first Monday in March; first Monday in September, each to continue for one week and to be for the trial of criminal cases; sixth Monday after the first Monday in March; eighth Monday after the first Monday in September, each to continue for one week and be for the trial of civil cases only.

Cumberland
county.

Cumberland county: Third Monday after the first Monday in March to continue one week; ninth Monday after the first Monday in March to continue two weeks; tenth Monday after the first Monday in September to continue two weeks, for the trial of civil cases only.

Columbus county: First Monday after the first Monday in March to continue one week; third Monday before the first Monday in September to continue one week; seventh Monday after the first Monday in September to continue one week. Columbus county.

Robeson county: Third Monday before the first Monday in March to continue one week; eighth Monday after the first Monday in March to continue one week; thirteenth Monday after the first Monday in September to continue for two weeks. All terms to be for the trial of civil cases exclusively. Robeson county.

Richmond county: Seventh Monday before the first Monday in March; eleventh Monday after the first Monday in March; first Monday after the first Monday in September, each to continue for two weeks, the first week of each term to be for the trial of criminal and the second to be for the trial of civil cases only, except as hereinafter provided; seventh Monday after the first Monday in March; ninth Monday after the first Monday in September, each to continue one week. Richmond county.

Bladen county: First Monday in March to continue one week; fourth Monday after the first Monday in September to continue two weeks; provided the court shall not be convened in the said county till Tuesday following the first day of each of the said terms. Bladen county.
Court not to convene until Tuesday.

Brunswick county: Second Monday after the first Monday in March; sixth Monday after the first Monday in September, each to be for one week. Brunswick county.

Moore county: Fifth Monday before the first Monday in March to continue two weeks, and to be for the trial of civil cases only; fourth Monday after the first Monday in March; second Monday before the first Monday in September, the last two terms to continue for two weeks, the first week to be for the trial of criminal cases and the second to be for the trial of civil cases, except as hereinafter provided: twelfth Monday after the first Monday in September to continue for one week and to be for the trial of criminal cases, except as in hereinafter provided. Moore county.

SEC. 2. Civil process of all kinds may be made returnable to all of the aforesaid terms of the superior court and at the aforesaid criminal terms motions may be made, heard and determined, and judgments, orders and decrees taken in civil actions wherein a jury trial is not required, and pleadings 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 cases. Jury cases in civil actions Civil process returnable to any term.

Civil business except trial by jury transacted at criminal term.

Civil cases requiring jury tried at criminal terms only by

consent and after disposal of criminal business.

Trial of felony begun may be concluded.

Court need not continue longer than business requires.

Terms of Circuit Criminal Court for Cumberland county.

Act in force from 1st July, 1897.

may be tried at the criminal terms only by consent and after the criminal business has been disposed of.

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

SEC. 4. Nothing in this act shall be construed to require the presence of a judge or jury longer than may be necessary for the dispatch of the business of the court.

SEC. 5. That the terms of holding the circuit criminal court for Cumberland county in the first criminal circuit shall be the first Monday in February and the third Monday in September and each shall continue until the next term begins.

SEC. 6. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

SEC. 7. This act shall go into effect and be enforced from and after the first day of July A. D. 1897.

Ratified the 5th day of March, A. D. 1897.

CHAPTER 257.

An act to incorporate the Harnett Central Railroad Company.

The General Assembly of North Carolina do enact:

Corporators.

SECTION 1. That William H. Britton, William J. Johnson, Moses Britton, Adonis M. Prince and John Worthy Johnson, and their successors, associates and assigns, be and they are hereby constituted and created a body politic and corporate.

Corporate name.

by the name of the "Harnett Central Railroad Company," and as such shall receive the powers herein granted in perpetuity. That said company by that name may sue and be sued, plead and be impleaded, in any court in the State of North Carolina having jurisdiction of the subject matter of such suit, and the said company shall have power and authority, and such power and authority is hereby given it to make by-laws and regulations for its own government and management, to elect or appoint all necessary officers and prescribe their duties and powers, to adopt, have and use a common seal, to acquire by purchase, lease or donation, and to hold, own, possess, mortgage, lease, sell or otherwise transfer, any and all such real, personal and mixed property, as may be necessary or convenient to

Corporate existence.
Corporate powers.

carry out the purpose of this charter, and to have and exercise all and every other power, privilege, franchise and right, common or necessary, to similar corporations and not inconsistent with the laws of this state or the provisions of this act.

SEC. 2. That said company be, and it is hereby authorized and empowered to build, construct, maintain and operate a standard gauge railroad, from some point at or near Spout Springs, in the county of Harnett, on the Cape Fear and Yadkin Valley railroad, and running thence to, by or near Bunns Level, in said county of Harnett, with the privileges to continue the same from the last named terminus, to connect with the Fayetteville and Wilson branch of the Wilmington and Weldon Railroad Company, at some point either at or between Dunn, in the County of Harnett, and Godwin in the county of Cumberland and State of North Carolina, and with the privilege of building, constructing and operating under this charter, and subject to the same conditions, provisions and regulations as the main line shall be operated and governed, branch lines of no greater length than ten miles.

Power to build railroad.
Beginning point.
Terminus.
Extension.
Branches.

SEC. 3. That the capital stock of the said, the Harnett Central Railroad Company, hereby chartered, shall not exceed the sum of one hundred thousand dollars, but upon a cash paid in subscription of five thousand dollars, said company may enter into the enjoyment of the rights, privileges and authorities given it by this charter, and proceed immediately thereupon to construct and operate such road or any part thereof that said corporations named in the first section of this charter within six months from the ratification of the same shall organize as a board of directors of said company by the election of a president, treasurer, superintendent and secretary, and may if they shall so elect issue stock in said company not exceeding the sum of their capital stock of one hundred dollars a share and sell the same at private or public sale as in their opinion shall seem best *Provided, however*, that such issue and sale of stock may be made at any meeting at any time that said directors may deem proper. That the election of directors shall be had by the stockholders in said company on the day and time named in the by-laws of said company and that each stockholder shall be entitled to as many votes as he may hold shares in said company, and it shall be lawful for any individual, company or corporation to subscribe for and hold or convey the stock of this said corporation: *Provided*, that such corporations or companies hereby authorized to become holders of stock of this company shall have been chartered by the laws of the State of North Carolina.

Capital stock.
When company may begin work.
Corporators to organize as directors.
Elect president and other officers.
Issue stock and sell same.
Proviso: When stock to be issued.
Election of directors.
Votes of stockholders.
Who may subscribe for stock.
Proviso: Corporations subscribing to be chartered by this State.

SEC. 4. That the president and board of directors of this com-

Powers of president and directors.

pany shall have the power to appoint its agents and employ such laborers as may be necessary in the proper conducting of its business and operations, and to make such expenditures in constructing any and all parts of the bed of said road, track, depots, section houses, side tracks, and all other needed buildings or fixtures required in the construction and operation of said company's road.

Telegraph and telephone lines.

SEC. 5. That said company is hereby authorized at its option to construct and operate one or more lines of telegraphs or telephones along its line or lines and route and charge the usual and legal rates for messages on the same.

Power to borrow money and secure same.

SEC. 6. That authority is given to this company to borrow money to such extent and in such manner as may be deemed necessary or ordered by its board of directors, and to pay thereon such rate of interest, not exceeding six per cent. as may be agreed upon and issue therefor such bonds, coupon or registered or other evidences of debt in such manner and form as may be determined by the president and directors of this company, and to secure such loans, both as to principle and interest, by such mortgage or deeds of trust on the whole or such part of the property, income or franchise of the company as they may deem necessary.

Power to condemn land for corporate purposes.

SEC. 7. That this company shall have the power and authority to appropriate and occupy as much land as may be necessary for the construction of the said railroad and its branches of the width of sixty feet on each side from the middle of the track, and as much additional land as may be necessary for the station houses, depots and all other purposes necessary for the construction and operation of the said railroad and its branches, under the same rules and terms as are prescribed for the acquisition and condemnation of land by the charter of the North Carolina Railroad Company.

Extent to be condemned.

Rules in condemning land.

Schedules and rates.

SEC. 8. That said company shall have power to operate its passenger and freight trains upon schedules of its own adoption, and with rates, passenger and freight, of its own tariff construction, subject, however, to the control of the Railroad Commission of the State of North Carolina.

SEC. 9. That this act shall be in force from and after its ratification.

Ratified the 5th day of March, A. D. 1897.

CHAPTER 258.

An act to supplement an act to repeal chapter thirty-seven (37) of the public laws of eighteen hundred and sixty-eight (1868) and eighteen hundred and sixty-nine (1869), chapter two hundred and nine (209) of the public laws of eighteen hundred and seventy-one (1871) and eighteen hundred and seventy-two (1872) and chapter one hundred and sixty-three (163) of the private laws of eighteen hundred and ninety-three (1893), ratified February 27, 1897.

The General Assembly of North Carolina do enact :

SECTION 1. That section one of an act entitled an act to repeal chapter thirty-seven of the public laws of eighteen hundred and sixty-eight (1868) and eighteen hundred and sixty-nine (1869), chapter two hundred and nine of the public laws of eighteen hundred and seventy-one and eighteen hundred and seventy-two (1871 and 1872), and chapter one hundred and sixty-three (163) of the private laws of eighteen hundred and ninety-three (1893), ratified February 27, 1897, be, and the same is hereby amended by adding to the end of said section one, the following, to-wit: That Jamesville and Washington Railroad Company shall have no right or power in closing and settling its concerns to dispose of, sell and convey, in any manner, to any other person or corporation its right-of-way upon Washington street in the town of Washington, North Carolina, but from and after the passage of this act the said right-of-way and easement in said street shall cease and determine and the said company shall remove its track and rails from said street within six months from the ratification of this act.

Right of way on Washington street not to be sold.

Right of way to cease.

Company to remove track.

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

Ratified the 5th day of March, A. D. 1897.

CHAPTER 259.

An act to regulate the sale of spirituous, vinous and malt liquors, in the town of Marshall, Madison county.

The General Assembly of North Carolina do hereby enact :

SECTION 1. That at the election to be held for the town of Marshall, Madison county, on the first Monday in May one thousand eight hundred and ninety seven (1897) for the election

License or no license to be voted on at town election.

If majority vote for license aldermen shall issue to proper parties.

Lawful for persons having license to sell liquors.

Proviso:
Amount of town and county license.

Proviso:
Ratio of division.

License tax payable quarterly.

Proviso:
Instalments paid in advance.

Unlawful to sell liquors after 20th May.

of mayor and aldermen, there shall be submitted to the voters of said town of Marshall the question of "license" or "no license," if a majority of the votes cast are for license then the board of aldermen for said town shall issue license to proper persons applying for the same, for the purpose of selling spiritous, vinous and malt liquors in said town of Marshall as is prescribed by law and it shall be lawful for persons obtaining such license to sell spiritous, vinous and malt liquors in said town of Marshall.

Provided: The person or persons obtaining said license as aforesaid shall pay to the said town of Marshall the sum of not less than six hundred (\$600.00) dollars per annum and to said county of Madison not less than three hundred (\$300.00) dollars, and as much more as the said board of aldermen may deem proper. *Provided, further,* the same ratio is maintained between said county and town that the amount paid to the county shall be applied to the public school funds.

SEC. 2. That the person or persons obtaining license as aforesaid may pay whatever amounts may be charged him for said license quarterly: *Provided,* said amounts shall be paid in advance.

SEC. 3. That on and after the twentieth (20th) day of May one thousand eight hundred and ninety seven (1897,) it shall be unlawful for any person or persons to sell spirituous, vinous or malt liquors in said town of Marshall in any manner whatever except as is provided by this act.

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.

Ratified the 5 day of March, A. D. 1897.

CHAPTER 260.

An act to re-imburse The Commercial and Farmers' Bank of Raleigh, North Carolina, for money paid out by them for state auditor warrant No. 8189, issued June 26, 1895.

The General Assembly of North Carolina do enact:

Treasurer to pay bank amount of warrant and costs.

SECTION 1. That the treasurer of the state is hereby authorized and directed to pay the Commercial and Farmers' Bank of Raleigh, the sum of ninety-nine $\frac{10}{100}$ dollars, the amount of said

warrant, and all costs connected therewith, amounting to \$11.40 as per voucher attached, said warrant issued to A. A. Campbell and paid to him by the said bank on the 26 day of June, 1895, at the request of the state auditor.

SEC. 2. That this act be in force from and after its ratification. Ratified the 5th day of March, A. D. 1897.

CHAPTER 261.

An act to establish graded schools in the district herein specified, and to be known as Chapel Hill school districts, number twenty-four, Orange county.

The General Assembly of North Carolina do enact:

SECTION 1. That all of the territory embraced within the following boundaries, to-wit: starting at the Durham county line on the east, where Morgan's creek crosses it; thence westward, following the creek as the southern boundary, including the residence of E. A. Clark on the south of the creek at Purefoy's Mill; then to the north fork of the creek, about one and one-half miles southwest of the college buildings; thence, following said fork of the creek, to the point where it is crossed by the Saxapahaw road; thence from this crossing to the nearest corner of Isom Weaver's land, including the same; thence from the northeast corner of his land in a direct line to Bowlin's creek; thence, following this creek, to the Durham county line; thence southward to the starting point, where Morgan's creek crosses the Durham county line, constitutes public school districts for the whites and colored, to be known as Chapel Hill School Districts, Number Twenty-four, Orange county.

Boundaries of school districts established.

SEC. 2. That the Board of Commissioners of Orange county are authorized and required to order an election to be held in the said Chapel Hill districts, number twenty-four, for the whites and colored of Orange county, on the first Monday in May next, and at the said election to submit to the qualified voters of said districts the question of levying an annual special tax on the property and polls of white and colored persons in said districts for the purpose of supporting and maintaining public graded schools for the white and colored children in said school districts.

Election to be held on tax for graded schools.

SEC. 3. That at said election those in favor of levying said

Ballots.

How election conducted.	special taxes shall vote "for schools" and those opposed shall vote "against schools," and the election for this purpose shall be conducted in the same manner, and subject to the same rules and regulations as are provided for the election of county officers by the general election laws of this state.
If majority of voters vote "for schools" special tax to be levied.	SEC. 4. That if a majority of the qualified voters of said school districts shall vote "for schools," the county authorities of Orange county, legally authorized to levy taxes, shall, in addition to other taxes laid upon said school districts, annually compute and levy, at the time of levying other taxes, a sufficient special tax upon the property and polls of the white and colored persons of said school districts to raise such a sum of money as the trustees hereinafter named of said school districts shall deem necessary, and shall report annually to said authorities, to support and maintain said schools, which sum shall be not less than one-fourth of one per centum on the property and seventy-five cents on the poll, nor more than one-half of one per centum on the property and one hundred and fifty cents on the polls annually of white and colored persons in said districts. Said trustees hereinafter mentioned shall immediately after the elections herein provided for, report to the county authorities empowered to levy taxes what sum said trustees deem necessary to support and maintain said schools during the first year, and annually thereafter said trustees, thirty days prior to the time for levying county taxes, shall report to said authorities what sum of money is necessary to support said schools during the next year. And the taxes for the support of said schools shall be annually collected as other taxes are collected and paid over by the sheriff or other collecting officers to the county treasurer, which officers shall give good and sufficient bonds to be approved by the said commissioners for the safe keeping and proper distribution of said taxes, and the taxes levied and collected for these purposes shall be kept sacred, separate and distinct from other taxes by the officers in charge and shall be used only for the purposes for which they were levied and collected.
Rate of tax.	
Sum necessary to be fixed by trustees.	
Tax to be collected as other taxes.	
Taxes to be kept separate and used only for purpose specified.	
How school funds paid out.	SEC. 5. The taxes levied for the support of said schools under this act and under the general school law shall be paid out by the officers having them in charge upon such warrants and to such persons as the trustees hereinafter mentioned may prescribe.
Land lying in school district to be assessed.	SEC. 6. That in order to ascertain the value of lands and other real property situated in said school districts when the whole of said lands and other real property does not lie in said school district, but part in another school district, the county

commissioners shall appoint three disinterested freeholders and residents of said district, who shall assess the part or parts of lands and other real property which shall lie in said school district for taxation, and shall report the value so assessed by them to the authorities legally empowered to levy taxes and the value so reported shall be the basis on which said special taxes to be levied under this act shall be levied on the report of such lands and other real property lying in said school districts when the other part or parts of said land and other real property lie outside of said district.

SEC. 7. The board of trustees provided for in this act shall appropriate the amount raised or received by them for school purposes in the Chapel Hill school districts number twenty-four so as to give the same length of school term for the whites and the colored and so as to pay due regard to the cost of keeping up and maintaining the public schools of both races: *Provided*, separate schools shall be established and maintained for both races.

Terms of schools for white and colored races to be of same length.

Proviso: Schools to be separate.

SEC. 8. That Collier Cobb, R. L. Stroud, L. J. Weaver, F. P. Venable and George W. Trice are hereby constituted a board of trustees for the public graded schools of Chapel Hill school districts number twenty-four, Orange county, and they and their successors are hereby vested a body corporate under the name of trustees for the public schools of Chapel Hill school districts, Orange county, and they and their successors shall have perpetual succession, may sue and be sued, plead and be impleaded in all the courts of the State and United States, have a common seal, make all by-laws and regulations necessary or expedient for the purposes of their incorporation, purchase, sell and convey, lease, let and control all school property in said districts, real and personal, proper and requisite for their corporate purposes, have power to fill all vacancies occurring in said board, to employ and dismiss all officers and teachers of said schools, and regulate their salaries, to elect one of their own number chairman, another secretary, and do and propose all acts proper and necessary for the best advantages of said schools.

Trustees.

Trustees incorporated.

Corporate name.

Corporate powers.

SEC. 9. That the public school money which shall from time to time be collected under the general school law for the whites and for the colored children of said Chapel Hill school districts number twenty-four shall be applied for the support and maintenance of the graded schools provided for in this act under the orders and directions of said board of trustees.

Public school money to be applied to graded schools.

SEC. 10. That the board of trustees aforesaid may admit as pupils in said schools children who reside outside of the bound-

Trustees may admit pay pupils.

daries of said Chapel Hill school districts upon the payment of such sums as shall be fixed by said board of trustees.

Trustees to fix prices for extra studies.

SEC. 11. That the board of trustees aforesaid may fix a scale of prices for subjects other than those required to be taught under the general school law for the requirement of public schools, the said prices to be paid by pupils resident in said school districts.

Assessment on pupils for incidental expenses.

SEC. 12. That the said board of trustees shall have the right to assess each pupil of the said districts in a sum not exceeding fifty cents for the fall term and fifty cents for the spring term of said schools for incidental and other expenses, said sum payable on entrance of the pupil, and if said sum be not paid by the parents or guardians of said pupils the board of trustees shall have the right to dismiss said pupils from the school.

Trustees to elect Superintendent.

Duties of Superintendent.

SEC. 13. The board of trustees shall elect annually a superintendent for the schools, who shall be principal of the school for the whites, and who shall examine all applicants for teachers' positions in said schools, and issue certificates to the same, and who shall do and perform such other duties as may be prescribed by the trustees of said schools.

Salary of Superintendent and teachers.

Proviso :
No trustee to be a teacher.

SEC. 14. That the superintendent and teachers of said schools shall not be subject to any restriction or limitations as to salary prescribed by any law or statute, but may be paid such compensation as the board of trustees deem just and proper: *Provided*, that no trustee of said schools, while acting as such, shall be a teacher therein.

When new election to be held if first be "against schools."

SEC. 15. That if for any reason the result of said election shall be "against schools," then the commissioners of Orange county shall again order another election, submit said questions mentioned in the second section of this act to the qualified voters of said Chapel Hill school districts, number twenty-four, whenever petitioned by fifty tax-payers of said districts to do so, and said election shall be ordered within forty days after said petition shall have been received by said commissioners: *Provided*, that not more than one election shall be held during any one year.

Proviso :
Not more than one election in one year.

SEC. 16. That this act shall be in force from and after its ratification.

Ratified the 5th day of March, A. D. 1897.

CHAPTER 262.

An act to regulate the collection of taxes in Durham county.

The General Assembly of North Carolina do enact:

SECTION 1. That the tax list for the county of Durham shall be delivered to the sheriff of said county on the first Monday in December in each and every year, upon his filing the bonds for the collection of the taxes prescribed by law. (*Provided*, that such tax list shall be delivered to the incoming sheriff.)

When tax list to be delivered to sheriff.

Proviso:
To be delivered to incoming sheriff.

SEC. 2. That the sheriff or his deputy shall attend at the court house in Durham during the months of December and February for the purpose of receiving the taxes. He shall also in like manner attend at least one day during the month of January at some one or more places in each township of which fifteen days' notice shall be given by advertisement at three public places, and in some newspaper, if one there be published in the county.

When sheriff to attend court house for receiving taxes.
When to attend in townships.

Notice.

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 and effect from and after the first day of January one thousand eight hundred and ninety-nine (1899) and shall not be construed so as to affect the rights and powers and emoluments of the present incumbent of said office of sheriff to collect the taxes for the year one thousand eight hundred and ninety-eight (1898) upon his giving the proper bonds and complying with the requirements of law.

When act to take effect.

Not to affect rights of present sheriff.

Ratified the 5th day of March, A. D. 1897.

CHAPTER 263.

An act for the relief of W. G. Lewis of Statesville, Iredell county.

The General Assembly of North Carolina do enact:

SECTION 1. That section twenty seven of *The Code*, shall not be applicable to W. G. Lewis of Statesville, Iredell county, except to prohibit him from appearing as attorney in any case which has been appealed from the court of justice of the peace in which he presided or took part.

Allowed to practice law while Justice of Peace.

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

Ratified the 5th day of March, A. D. 1897.

CHAPTER 264.

An act to prevent the introduction and dissemination of dangerous insects, fungns and weed pests of crops.

The General Assembly of North Carolina do enact :

Commission
appointed for
extermination of
noxious insects,
&c.

Chairman, rules
and regulations.

Commissioners
to receive no sal-
ary but expenses.

Meeting of com-
mission.

To publish list of
crop pests.

Methods of
extermination
and prevention.

Regulation for
preventing
introduction of
crop pests.

Plants infected
with crop pests.

Infested plants
and premises
declared a
nuisance.
Duty of owners.

SECTION 1. That for the purpose of this act the State Commissioner of Agriculture, the Director of the North Carolina Agricultural Experiment Station, and the President of the North Carolina State Horticultural Society are hereby constituted a commission for the extermination of noxious insects, fungus diseases and weeds which are affecting or may affect crops. They are empowered to select one of their members chairman and to adopt rules and regulations for their own government, such as may be requisite for carrying out the provisions of this act.

The members of the said commission shall receive no salary, and shall be allowed only such expenses as have been specifically incurred and necessary in attending the meetings of the commission.

SEC. 2. The members of the commission aforesaid shall hold a meeting within thirty days after the ratification of this act, and shall prepare and publish a list of dangerous crop pests, known to be present within the State, or liable to be introduced, and may at any subsequent meeting extend or amend said list. The commission shall also publish methods for exterminating such pests as they may deem capable of being economically exterminated within the boundaries of the State, and for repressing such as cannot be economically exterminated, and for preventing the spread of such pests within the State. They may also adopt regulations not inconsistent with the laws or constitution of this State or the United States, for preventing the introduction of dangerous crop pests from without the State, and for governing common carriers in transporting plants liable to harbor such pests to and from the State, and such regulations shall have the force of laws.

SEC. 3. No person, firm or corporation shall knowingly and willfully keep upon his or their premises any plant infested by any dangerous crop pest listed and published as such, by the said commission, or permit dangerous weed pests to mature, seed or otherwise multiply upon their land, except under such regulations as the commission may prescribe. Every such impested plant and premises are hereby declared a public nuisance. The owner of such plants or premises shall, when

notified to do so by the commission, take such measures as may be prescribed to eradicate such pests, and if such action is not taken, or is improperly executed within ten days after being so notified the commission shall cause said premises to be freed from such pests by the best available method, and the cost of such work shall be a lien against said premises, and may be recovered, together with cost of action before any court in the state having competent jurisdiction. Said notice shall be written and mailed to the usual or known address, or left at the ordinary place of business of said owner or his agent. No damage shall be awarded the owner of such premises for entering thereon and destroying or otherwise treating any infested plant or crop, when done by the order of the commission.

Duty of commission.

How notice served on owner.

Power of commission to enter on premises for destruction of crop pests.

SEC. 4. When said commission has reason to suspect that any pest listed by them as dangerous exists in any county in the state, they shall cause such suspicion to be verified by a person competent to determine the specific identity of such pests of crops, and if such suspicion prove founded upon facts shall further appoint, for a designated time and duty, a competent person their agent, to inspect such infested premises, and to take such measures for treating the same as the commission may direct.

Commission to inspect suspected premises.

Duty in case of infection found.

Any duly authorized agent of the commission shall have authority to enter upon and inspect any premises between the hours of sunrise and sunset during every working day of the year. Any one who shall seek to prevent such inspection or who shall otherwise interfere with any agent of the commission while in performance of his duties, shall, upon conviction, be fined not less than \$5.00 nor more than \$50.00 for each offence, or may be imprisoned for not less than ten nor more than thirty days.

Power and authority of agents of commission.

Interference with agent a misdemeanor.

Penalty.

SEC. 5. For the purpose of carrying out the provisions of this act, the sum of \$500.00 per annum, or so much thereof as is necessary, is hereby appropriated out of any funds in the treasury not otherwise appropriated, and shall be paid by the state treasurer upon properly authenticated vouchers, signed by the chairman of the commission.

Appropriation.

SEC. 6. The said commission shall report to the governor for transmission to the next General Assembly its acts and disbursements under the provisions of this act. Such a report, together with all such circulars as may be issued by the said commission for the purposes of this act, shall be printed in edition of 1000 copies by the public printer, and paid for as other public printing.

Commission to report to Governor.

Report and circulars printed.

SEC. 7. All laws or clauses of laws inconsistent with this act are hereby repealed.

SEC. 8. This act shall take effect from and after its ratification.

Ratified the 5th day of March, A. D. 1897.

CHAPTER 265.

An act to charter the Eastern hospital for the colored insane and the Western hospital for the insane and North Carolina insane asylum at Raleigh, and to provide for their government.

The General Assembly of North Carolina do enact :

Charters of
insane asylums
repealed.

SECTION 1. That section 2240 of *The Code* be amended by striking out the following words : "The state hospital as amended by act of 1891, chapter 15, located near Morganton, shall be and remain a corporation under that name ; and the Eastern North Carolina hospital located near Goldsboro shall be and remain a corporation under that name, the state insane asylum near Raleigh." The charter of said hospitals, by whatever name and all acts amendatory of said charters, are hereby repealed.

State Hospital
for colored
insane, Western
Hospital for
insane and Cen-
tral Hospital for
insane incorpo-
rated.
Corporate
powers.

SEC. 2. The State hospital for colored insane located near Goldsboro and the Western hospital for insane located near Morganton, the Central hospital for insane near Raleigh, be and the same are hereby created and constituted corporations with all the powers, rights and privileges heretofore held and exercised by the North Carolina hospital and the state hospital and the North Carolina insane asylum respectively.

Charters under
former names
amended by sub-
stitution of pres-
ent names.

SEC. 3. That sections 2241, 2242, 2243, 2244, and all other sections of chapter 2, vol. 2 of *The Code* be amended by striking out the words the North Carolina insane asylum or the state hospital wherever they occur in said chapter or any act amendatory thereof and inserting in lieu thereof the words : "The Western hospital for the insane," and by striking out the words : "The Eastern North Carolina hospital" and "The North Carolina insane asylum" wherever they occur in said sections and in chapter 2, vol. 2 of *The Code*, or any act of the General Assembly amendatory thereof, and inserting in lieu thereof the words : "The State hospital for the colored insane, the Western hospital

for the insane, and the Central hospital for the insane," and as thus amended said sections and chapter 2, vol. 2 of *The Code*, except as hereinafter provided, are re-enacted.

SEC. 4. That the Eastern hospital for the colored insane, the Central hospital for the insane and the Western hospital for the insane hereby incorporated and shall be under the management of nine trustees to be nominated by the governor and confirmed by the senate, who shall hold their offices for the term of four years from and after their appointment and the provisions of chapter 2, Vol. 2, of *The Code*, applicable to the directors of the North Carolina insane asylum not in conflict with the provisions of this act are hereby made applicable to the board of trustees of the State hospitals for the colored insane and the Central hospital for the insane and the Western hospital for the insane and as modified by this act hereby re-enacted.

Hospitals to be under management of trustees. Trustees to be nominated by Governor and confirmed by Senate. Term of office. Provisions of Code applicable.

SEC. 5. That the offices of superintendent of the Eastern North Carolina hospital and the North Carolina insane asylum and the North Carolina hospital for the insane are hereby abolished.

Office of superintendent abolished.

SEC. 6. That the board of trustees for each of the hospitals herein provided for shall, at their first meeting under this act, elect a principal and resident physician for each of said hospitals, whose terms of office shall each be for four years, and each shall receive an annual salary of twenty-five hundred dollars: and in addition to the duties heretofore imposed on the superintendent of said hospitals they shall discharge such duties as the trustees may require by regulations for the government of said hospitals. That chapter 2, volume 2, of *The Code*, shall in all respects apply to the corporations hereby created, except as modified by section 8 of this act.

Trustees to elect principal and resident physician for each hospital. Terms of office.

Salary.

Duties.

SEC. 7. That immediately upon the ratification of this act the secretary of state shall furnish the governor a certified copy thereof, and immediately upon the confirmation by the senate the secretary of state shall notify such trustee of his appointment, and the trustees for Western hospital shall assemble at Morganton on the ninth day of March, 1897, next, and the trustees for the Central hospital shall assemble at Raleigh on the same day, and the trustees for the Eastern hospital shall assemble at Goldsboro on the same day, and shall organize under this act by electing such officers as they may deem for the best interests of each of said hospitals.

Duties of Secretary of State.

Where and when trustees to meet.

SEC. 8. It is not the intention of the General Assembly that the trustees herein provided for shall be officers within the meaning of section seven (7), article fourteen (14), of the Con-

Trustees not to be deemed officers.

stitution, and they are declared to be special trustees for the special purpose of this act.

SEC. 9. All laws and clauses of laws inconsistent or in conflict with this act are hereby repealed.

SEC. 10. This act shall be in force from and after its ratification.

Ratified the 8th day of March, A. D. 1897.

CHAPTER 266.

An act to protect certain birds in Chatham county.

The General Assembly of North Carolina do enact:

Close season for
partridges, quail
and wild turkeys
in Chatham
county.

SECTION 1. That it shall be unlawful for any person or persons to hunt with dog or gun, or kill, shoot, trap or net, any partridges, quails or wild turkeys, in Chatham county at any time between the last day of February and the first day of November, in each and every year.

Violation of
act a misde-
meanor.

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 (\$5.00) or be imprisoned more than thirty (30) days for each and every offense; said fine to go to the public school fund of Chatham county.

Penalty.

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 5th day of March, A. D. 1897.

CHAPTER 267.

An act to amend chapter eighty-one (81), laws of one thousand eight hundred and eighty-seven (1887).

The General Assembly of North Carolina do enact:

Law regulating
sale of seed cot-
ton extended to
Montgomery
county.

SECTION 1. That chapter eighty-one (81) laws of one thousand eight hundred and eighty-seven (1887) be and is hereby amended by adding the words "and Montgomery" just after the word "Richmond" in last line of section three (3) of said chapter.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 268.

An act to amend section thirty-two hundred and twenty-eight, chapter sixty-three of The Code of North Carolina, with reference to tramps and vagrants

The General Assembly of North Carolina do enact :

SECTION 1. That section thirty-eight hundred and twenty eight, chapter sixty-three of *The Code* of North Carolina, be and the same is hereby amended by striking out all the words of line three and the first word of line four, and substituting therefor the words, "by a fine not exceeding fifty dollars or by imprisonment not to exceed thirty days."

Punishment of
tramps.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 269.

An act to amend section 752, volume 1, of The Code of North Carolina.

The General Assembly of North Carolina do enact :

SECTION 1. That section seven hundred and fifty-two (752) volume 1 of *The Code*, be amended by striking out the word "shall" in line eleven and inserting in lieu thereof the words "may, provided this act shall apply only to Columbus and Lenoir and Beaufort county."

Publication of
county revenue
and charges
made optional.
Proviso:
To apply only to
Columbus, Lenoir
and Beaufort
counties.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 270.

An act to prohibit working female convicts on the roads or in a chain gang.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for any court or officer, either judicial, executive or ministerial, to order or require the working of any females on the streets or roads in any group or chain gang in this state, and any officer or person violating the provisions of this act shall be deemed guilty of a misdemeanor.

Unlawful to
order or require
working of
females on
streets or roads.

Misdemeanor.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 271.

**An act to provide for the better drainage of Big Sugar creek
in Berry Hill township, Mecklenburg county.**

The General Assembly of North Carolina do enact:

Township
trustees
appointed drain-
age commission-
ers.

When commis-
sioners to meet
and appoint
overseers.
Duties, term of
office and com-
pensation of
overseers.

Overseers to
inspect lands,
point out
obstruction to
flow of water and
order removal
of same.

Duty of land
owners to keep
channel of creek
clear.

Mill dams to have
flood gates.
Flood gates to be
opened.

Misdemeanor to
obstruct flow of
streams.

Penalty.

Fines to be
expended in
work on creek.

SECTION 1. That the board of trustees of Berry Hill township of Mecklenburg county are hereby appointed commissioners to superintend and direct the better drainage of Big Sugar creek in Berry Hill township, and said commissioners, or a majority of them, shall meet on the 1st Monday in April, 1897, and may appoint one or more overseers to take charge of the work. The duties, term of office, and compensation of said overseers elected shall be prescribed by the commissioners.

SEC. 2. That it shall be the duty of the overseers to inspect the lands on both sides of the creek and point out to the owner of said lands any and all obstructions and hindrances to the flow of water in said creek, and shall order the removal of the same by the land-owner.

SEC. 3. That it shall be the duty of the land-owners along said creek to keep the channel clear of all stumps, trees, logs, drift, trash and any other hindrance.

SEC. 4. That any mill dam on said creek shall have a flood-gate not less than six feet wide, and flood-gate shall be opened for not less than forty-eight hours at one time during the month of April and October of each year.

SEC. 5. That any person wilfully obstructing the flow of said stream by felling timber into said stream or failing to comply with this act shall, after ten days' notice, be guilty of a misdemeanor and, on conviction, shall be fined not less than ten dollars nor more than twenty-five dollars or imprisoned for not more than thirty days.

SEC. 6. That all fines realized upon this act shall be paid to the overseers or trustees and be expended by him or them in the work upon said creek.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 272.

An act to enable J. M. Worth to make a deed for certain lands in Randolph county to the Worth Manufacturing company.

Whereas in the year eighteen hundred and eighty-nine (1889) "The J. M. Worth Manufacturing company," a corporation doing business in Randolph county, sold and transferred all its property to the "Worth Manufacturing company," another corporation doing business in said county, but failed and neglected to make and deliver a deed to the said Worth Manufacturing company for a tract of land deeded to T. C. Worth, treasurer of the said J. M. Worth Manufacturing company, by William T. Ward and wife, Rosanna, on the 15th day of August, 1887, and whereas at the time of the aforesaid transfer, J. M. Worth was president and T. C. Worth was secretary and treasurer of said J. M. Worth Manufacturing company, and the said T. C. Worth has since died and the said J. M. Worth Manufacturing company has wound up and settled its affairs, and ceased to do business, and has not preserved its corporate seal; therefore,

Preamble.

The General Assembly of North Carolina do enact :

SECTION 1. That J. M. Worth, former president of the J. M. Worth Manufacturing company, be and he is hereby authorized and empowered in his own name and sealed with his private seal to execute and deliver to the Worth Manufacturing company a deed in fee simple to the tract of land mentioned in the preamble to this act.

J. M. Worth,
former president,
authorized
to make deed.

SEC. 2. That a deed made and delivered as directed in section one (1) of this act, shall be as good and effectual to pass title to said tract of land to the Worth Manufacturing company, as if a deed had been made by the J. M. Worth Manufacturing company to said Worth Manufacturing company and sealed with the corporate seal of the said J. M. Worth Manufacturing company, before it ceased doing business and closed up its affairs.

Deed so made to
pass title to land.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 273.

An act entitled an act to amend chapter 370, law 1895.

The General Assembly of North Carolina do enact:

Bond of sheriff of
Craven county.

SECTION 1. That section 2 of chapter 370 of the laws of North Carolina be amended as follows: By striking out in line 5 of said section, after the word "exceeding," the words "one hundred," and insert in lieu thereof the word "fifty," and by striking out in line 6 of said section the figures (100) at the beginning of said line, and inserting in lieu thereof the figures "50" to apply only to Craven county.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 274.

An act for the relief of laborers, waiters and messengers permanently employed in the several departments of the state government.

The General Assembly of North Carolina do enact:

Laborers, waiters and messengers allowed annual leave of absence on pay.

SECTION 1. That every laborer, waiter and messenger permanently employed under authority of law in and about the public buildings and grounds at a salary not exceeding four hundred dollars per annum, who shall have served faithfully therein for the space of one continuous year, shall be entitled to fifteen days leave of absence per annum, with full pay at the end of every year of such service.

SEC. 2. This act shall take effect upon its ratification.

Ratified the 8th day of March, A. D. 1897.

CHAPTER 275.

An act to create a new township in Alleghany county.

The General Assembly of North Carolina do enact:

New township
established.

SECTION 1. That a new township be and the same is hereby created in Alleghany county, to be taken from Gap Civil and Cranberry townships.

SEC. 2. That the line of new township "Whitead" shall run and be established from the ford of Little river, at the mouth of Pine Swamp creek, to Samuel H. Thompson's; then to top of the knob in Thomas Maxley's farm, northeast of John E. Maxley's house; then west, to Prather's Creek township line; then southwest, with Prather's Creek township line, to the top of Peach Bottom mountain, west of A. J. Taylor's; then a southward direction, so as to include Noah Church and Tobias Pruett, to the bluff in J. H. Daughton's farm on top of the Blue Ridge; then down the bluff ridge to Wilkes county; then east with the county line to Cherry Lane township (the beginning).

Line of new township.

SEC. 3. That the new township shall be known as Whitead township.

Name of township.

SEC. 4. That the voting precinct shall be at Whitead.

Voting place.

SEC. 5. That it shall be the duty of judges of elections who may be appointed in said new township "Whitead," to transcribe from the registration books of Gap Civil and Cranberry townships the names of all the voters living in the boundary of said new township into a registration book prepared for the registering of voters in Whitead township, at least thirty days before an election to be held, and at the time of such transfer or transcribing, it shall be the duty of the registrars of Gap Civil and Cranberry townships to erase all such names transcribed, from the registration books of their respective townships.

Judges of election to transcribe registration books.

Names transcribed erased from books of old townships.

SEC. 6. That Morgan Spicer, Stephen Hopper, and Daniel Crowse, be and are hereby appointed justices of the peace in and for said township "Whitead."

Justices for new township.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 276.

An act to provide cotton weighers for the towns of Freemont and Mount Olive, Wayne County.

The General Assembly of North Carolina do enact :

SECTION 1. That there shall be elected by the board of county commissioners of Wayne county every year, beginning on the first Monday in August, eighteen hundred and ninety-seven (1897), and every year thereafter, or until their successors shall

County commissioners to elect.

Two weighers for
Freemont.

One for Mount
Olive.

Weighers to take
oath and give
bond.

Compensation.

qualify, two (2) cotton weighers for the town of Freemont, and one (1) cotton weigher for the town of Mount Olive, Wayne county, North Carolina.

SEC. 2. That they shall take an oath, and give bond, and have the same qualifications, do each and every act as that required of those at Goldsboro, North Carolina.

SEC. 3. That they shall receive as compensation in this behalf the same as that allowed cotton weighers at Goldsboro, North Carolina.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 277.

An act for to prevent the obstruction of navigable waters in Currituck county.

The General Assembly of North Carolina do enact:

Unlawful to
obstruct naviga-
tion in Currituck
Sound and tribu-
taries.

Obstructions to
be removed.

Misdemeanor.

Penalty.

SECTION 1. That it shall be unlawful for any person or persons to impair or obstruct navigation in the waters of Currituck sound and tributaries, and all persons, corporations, companies, or clubs, who have heretofore had placed or placed any hedging or hedgings across the mouth of any bay, creek, strait, or lead of water in Currituck sound or tributaries made of iron, wire or wood or otherwise for the purpose of preventing the free passage of boats or vessels of any size or class, or to stop the public use of any such bay or creek, strait or lead of water, is hereby authorized to forthwith remove the same.

SEC. 2. Any person or persons, corporation, or club having violated or do violate any of the provisions of section one of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars nor less than ten dollars or imprisoned not more than 30 days at the discretion of the court.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 278.

An act to preveat minors from entering bar and billiard rooms and bowling alleys.*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for the keepers or owners of any bar room, billiard room, or bowling alley, to allow any minor to enter or remain in such bar room, billiard room, or bowling alley, if before such minor enters or remains in such bar room, billiard room, or bowling alley, the owner or keeper thereof has been notified by the parents or guardian of such minor not to allow such minor to enter or remain in such bar room, billiard room, or bowling alley.

Unlawful for
keeper or owner
of bar room, bil-
liard room or
bowling alley to
allow minors to
enter or remain
in same after
notification.

SEC. 2. Any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding fifty (\$50.00) dollars or imprisoned not more than thirty (30) days.

Misdemeanor.

Penalty.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 279.

An act to change the terms of holding the superior courts of Rowan and Yadkin counties.*The General Assembly of North Carolina do enact :*

SECTION 1. That the superior court of Yadkin county shall commence on the eighth Monday after the first Monday in March instead of the ninth Monday after the said first Monday in March.

Term for Yadkin
county.

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

Term for Rowan
county.

SEC. 3. That all laws in conflict herewith are repealed.

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

Secretary of
State to furnish
copies of act.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 280.

An act to pay special venire in capital cases.

The General Assembly of North Carolina do enact :

Pay of special
venire men
attending but
not drawn.

Proviso :
Counties
excepted from
this act.

SECTION 1. That section 1739 of *The Code* of North Carolina be amended by adding after the last word thereof the words :
“ All who are summoned to appear as special venire men, who do actually attend and who are not drawn as jurors shall be entitled to prove and receive one day's pay of one dollar each without mileage :” *Provided*, that this act shall not apply to Rockingham, Durham, Franklin, Duplin, Ashe, Alleghany, Watauga, Cleveland, Macon, Clay, Cherokee, Graham, Richmond, Columbus, Alexander, Sampson, Davidson, Pamlico, Davie, Stokes, Union, Iredell, McDowell, Caldwell, Haywood, Pasquotank, Yadkin, Onslow, Currituck, Yancey, Tyrrell, Jones, Wayne, Pender, Madison, Alamance, Stanly, Cumberland, Forsyth, Catawba, Gaston, Hyde, Anson, Cabarrus, Lenoir, Lincoln, Dare, Mitchell, Craven, Greene, Rutherford, Jackson, Wilson and Nash.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 281.

An act to authorize the board of commissioners of Currituck county to issue bonds to repair or rebuild the court house and jail.

The General Assembly of North Carolina do enact :

Issue of bonds
authorized.

Amount and
denominations.

Bonds and
coupons to be
numbered.

SECTION 1. That the board of county commissioners of the county of Currituck be and the same are hereby ordered and empowered, with the consent of a majority of the justices of the peace of said county, to issue bonds bearing interest at the rate of 6 per centum per annum, to the amount of ten thousand dollars, of the denomination of one and five hundred dollars. The bonds shall have coupons attached representing the interest on said bonds, which said coupons shall be due and payable on the first Monday in June of every year, until the bonds shall become due. The bonds so issued by the board of commissioners shall be numbered consecutively from one to fifty, and the coupons shall bear the number corresponding to the bond to which they

are attached, and shall declare the amount of interest which they represent, and when the interest is due and shall be receivable in payment of all county taxes. The bonds shall run for periods of five, ten and fifteen years.

Coupons receivable for county taxes.

How long bonds to run.

SEC. 2. That said bonds shall be issued under the signature of the chairman of the board of county commissioners, and shall be attested by the official seal of the clerk of the superior court of said county, and said chairman of the board of county commissioners shall, under the direction of the board of county commissioners, dispose of said bonds, as the necessity for the prosecution of the work, at a sum not less than their par value.

How bonds signed, attested and disposed of.

Bonds not to be sold below par.

SEC. 3. That for the purpose of paying the interest as it falls due on said bonds, and providing a sinking fund for the redemption of said bonds, it shall be the duty of the board of county commissioners to levy, and cause to be collected annually as other county taxes are levied and collected, a tax upon all real and personal property, rights and credits of said county subject to taxation for general purposes, and upon all taxable polls, not exceeding ten cents on the hundred dollars' worth of property and thirty cents on the poll.

Special tax for payment of interest and creation of sinking fund.

To be collected as other taxes. Subjects of taxation.

Rate.

SEC. 4. The board of county commissioners may appoint some suitable person as trustee of this fund to receive, pay out and invest all moneys raised by this act under and in obedience to the order and direction of the board of county commissioners. Said trustee shall keep a record of all bonds sold, the name of the purchaser and date of sale, and all coupons and bonds presented for payment, the date of presenting the same, the name of the person or persons presenting the same and the time when the same shall be paid; said trustee shall receive and receipt for all taxes raised by this act from the sheriff or tax-collector, shall pay over all moneys raised by or collected under this act to said trustee and shall settle with said trustee at the times and in the manner and under the penalty prescribed for said sheriff or tax-collectors settling with county treasurer. Said trustee shall execute a bond payable to the state of North Carolina for the faithful performance of the duties of his trust, in a sum not exceeding ten thousand dollars in the discretion of the board of county commissioners, to be approved by the board of county commissioners, and to be recorded as other official bonds, which said bonds shall be renewed as often and at such times as the board of county commissioners shall by their order direct. Said trustee shall settle with said board of commissioners in the manner and under the same penalties as are prescribed for settling with the county treasurer and as often as board of commissioners shall require, and said trustee shall turn over to the

Trustee of sinking fund.

Duties of trustee.

Sheriff or tax collector to pay over to trustee.

Bond of trustee.

Settlements of trustee.

- Trustee subject to removal. board of county commissioners all coupons and bonds paid by him, which said board of commissioners shall cause to be recorded on the minutes by their clerk, and destroyed by fire in their presence. Said trustee may be removed at any time by order of the board of county commissioners, and upon removal shall deliver and turn over all books, coupons and money in his hands connected with his trust to the said commissioners or his successor. Said trustee shall receive as compensation for his services out of the money paid over to him by sheriff or tax-collector such sum or sums as shall be allowed by the board of county commissioners not exceeding the compensation now allowed or (that) may be allowed under the general laws to the county treasurer for like services.
- Compensation of trustee.
- Matured bonds and coupons not paid to draw interest. SEC. 5. That the holders of the bonds and coupons, issued under this act, shall present the same to the county trustee for payment upon maturity of such bonds and coupons, and should said trustee refuse or fail to pay such matured bonds so presented for payment, then such matured bonds and coupons, so presented for payment, shall draw or bear interest after maturity at the rate of six per centum per annum, and unless such bonds and coupons are so presented at maturity for payment, and payment thereof is refused, such bonds and coupons shall bear or draw no interest whatever after maturity. The said trustee, upon presentation of any such bonds or coupons for payment after maturity thereof, on his failure to pay the same, shall write on the face of each bond and coupon as presented the word "presented," and subscribe his name as county trustee, with the date of presentation of the same for payment, and upon the face of all bonds and coupons paid by said trustee he shall write the word "paid," together with the date of paying (the) same.
- Bonds and coupons not presented for payment not to bear interest after maturity.
- Further duties of trustee.
- Joint meeting of county commissioners and justices. SEC. 6. That on the first Monday in June, eighteen hundred and ninety-seven, the justices of the peace of Currituck county are hereby authorized to meet in joint session with the board of county commissioners, and upon a majority of the commissioners and magistrates being for the act, it shall go into effect; a majority being against, it shall be of no effect. The clerk of the board of county commissioners shall serve a notice on each and all the justices of the peace of said county thirty days before such meeting shall be held, setting forth the business of the meeting, and when to meet.
- To pass upon act.
- Notice to be served on justices.
- SEC. 7. That this act shall be in force from and after its ratification.

Ratified the 8th day of March, A. D. 1897.

CHAPTER 282.

An act to amend the game law of Vance county.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter thrèe hundred and five (305), public laws of 1893, be amended as follows: In section one (1) strike out the words "first of November" and insert in lieu thereof the words "the fifteenth (15th) of October" and add the words "until the fifteenth (15th) day of March," it being the sense of this act that persons shall not be allowed to hunt birds from the fifteenth (15th) of March to the fifteenth (15th) of October.

Tunlawful to
hunt birds
between 15th
March and 15th
October.

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

SEC. 3. That this act shall apply only to Vance county.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 283.

An act to protect wild deer and turkeys in Pender county.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful to hunt or kill wild deer or wild turkeys between the first day of February and the first day of October of any year in Pender county.

Close season for
deer and turkeys
in Pender
county.

SEC. 2. That all the 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 8th day of March, A. D. 1897.

CHAPTER 284.

An act to change the voting place in Trent township, Lenoir county.

The General Assembly of North Carolina do enact :

SECTION 1. That the voting precinct in Trent township, Lenoir county, be and the same is hereby changed from Wooten's X Roads to Tull's Mill in said township.

Voting place
changed.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 285.

An act to prevent the obstruction of certain streams in Montgomery county.*The General Assembly of North Carolina do enact :*

Unlawful to obstruct Little river or tributaries except with mill or fish dams.

SECTION 1. That it shall be unlawful for any person to dump or place sawdust or to fell trees or leave or place brush, except for the purpose of building mill or fish dams, or the erection of fences, cross-ways or bridges, in Little river or any of its tributaries in the county of Montgomery.

Misdemeanor.
Penalty.

SEC. 2. That any person violating any part of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars, or imprisoned not more than thirty days.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 286.

An act to amend Section 2194 of The Code, relative to fertilizer analysis.*The General Assembly of North Carolina do enact :*

Bulletin to notify public of presence of deleterious substance in commercial fertilizers.

SECTION 1. That section two thousand, one hundred and ninety-four (2194) of *The Code* be, and the same is hereby amended by adding at the end of said section the following words, to-wit: And whenever any commercial fertilizer or fertilizing material shall be analyzed, as required by law, and such analysis shall show the presence in such commercial fertilizer or fertilizing material of hair, hoofmeal, horn, leather scraps, or other deleterious substances not available for plants, but which contains ingredients that go to make up the required or guaranteed analysis, publication shall be made in the *Monthly Bulletin*, by the Department of Agriculture, showing the result of such analysis and calling the attention of the public to the presence in such commercial fertilizer or fertilizing material of such deleterious substance, and such commercial fertilizer or fertilizing material shall be seized and condemned in the same manner as is provided by law for the seizure and condemnation in other cases.

Fertilizers containing deleterious substances to be seized and condemned.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 287.

An act to regulate the setting nets in certain portions of Albemarle Sound.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons to set or construct a stand of nets, commonly called and known as *shad nets*, in Albemarle Sound, any other course than a north and south, with variations not more than a half point: *How shad nets to be set.*
Provided, that this act shall only apply to that part of Albemarle Sound as lie in and between the mouth of North river, Currituck county, and Caroon's point, Dare county. *Proviso: To apply only to part of Sound.*

SEC. 2. Any person violating the provisions of this act shall be guilty of a misdemeanor, and fined not more than ten dollars or imprisoned not more than thirty days, in the discretion of the court. *Misdemeanor. Penalty.*

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 288.

An act for the repeal of chapter 96 of Public Laws of 1895.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter 96 of public laws of 1895 be and the same is hereby repealed. *Prohibition law for Olivet church repealed.*

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 289.

An act to amend chapter 70 and chapter 169 of the laws of 1883, with reference to advertisement of sales of live stock impounded in Craven county under the provisions of said acts.

The General Assembly of North Carolina do enact:

SECTION 1. That whenever any live stock, owned by any citizen of Craven county residing in that portion of said Craven county in which the stock law does not exist, and which is not embraced within the territory to which the said stock law territory. *Live stock owned in non stock law territory straying into stock law territory.*

law applies, under the provisions of chapter 70 and chapter 169 of the acts of 1883, shall cross Neuse river into that portion or territory of said county to which said stock law under said acts applies, it shall be the duty of any registrar of live stock of any township of any county within the territory embraced in said acts, and also of any person taking up and impounding such live stock, to advertise, immediately after filing a description of said live stock with the said registrar of said township of said county, the fact that the said live stock has been so taken up, impounded, and registered.

Person impounding such live stock to file description with registrar and make advertisement.

Where advertisements to be posted.

SEC. 2. Said advertisement shall be posted at three or more public places on the south side of Neuse river in Craven county describing said stock, and the day, hour and place of sale. The said advertisement shall be posted up at Perfection and Fort Barnwell in said Craven county on the south side of said river, being two of the three public places aforesaid, and at such other public places in said county on the south of said river as may best give notice to the owner or owners of said live stock.

Impounder failing to register and advertise stock guilty of misdemeanor.

SEC. 3. If any person shall take up and impound any live stock, of any citizens of Craven county aforesaid residing on the south side of Neuse river in that portion of said Craven county which is not embraced within the limits and territory embraced within the provisions of the acts of 1883, aforesaid, and shall fail to so register and to so advertise the said stock as prescribed in the preceding sections of this act, such person, or any person whose duty it is to register and advertise such live stock who shall fail so to do as herein prescribed, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the court.

Penalty.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 290.

An act authorizing the commissioners of Buncombe county to elect a county auditor.

The General Assembly of North Carolina do enact:

County commissioners to elect auditor.

SECTION 1. That the commissioners of Buncombe county may hereafter at their discretion, and they shall have authority to elect a suitable person to fill the office of county auditor, which office is hereby created in said county.

Term of office.

SEC. 2. That the term of office of the auditor of Buncomb

county shall be such as shall be fixed by the county commissioners at the time of his election: *Provided*, that said term shall never exceed twelve months; and, *Provided, further*, that said term shall never extend beyond the date of the inauguration of the following board of county commissioners.

Proviso:
Limit of term.

SEC. 3. That the salary of the auditor of Buncombe county shall be such sum as shall be fixed by the county commissioners: *Provided*, that it shall never exceed the sum of five hundred dollars per annum, or at that rate if his term shall be less than twelve months.

Salary.

Proviso:
Limit of salary.

SEC. 4. That it shall be the duty of the auditor of Buncombe county to keep books, showing at all times accurately the financial condition of said county, and from said books to submit to each regular meeting of the county commissioners a synopsis for publication, showing briefly the condition of each of the county funds. It shall also be his duty to call upon each person entrusted with, or having in charge, any moneys belonging to the county of Buncombe, for a statement, each and every month, of the amount of such moneys, and of the sources from which the same were received or collected, and for a receipt from the state or county treasurer, or from such other person as may be authorized by law to receive such moneys, for the full amount of the same, for which receipt the county auditor shall give an acknowledgment, and shall exhibit the original to the county commissioners at their next regular meeting, with his monthly report as above provided.

Duty of auditor.

To call on county
officers for
monthly state-
ments.

Receipts from
state and county
treasurer.

SEC. 5. That it shall be the duty of all officers in the county of Buncombe who may have in charge any funds or moneys belonging to said county to make out and deliver to the auditor of said county on or before the 20th day of each month an accurate statement of all such moneys which may be in his hands (or in event that he has none to so state) and to deliver to said auditor, taking his acknowledgement therefor, a receipt for the full amount of such money, signed by the officer, properly authorized to receive the same, and any officer having in hand such moneys, or who may be authorized to collect or receive such moneys, even though he may not have collected or received any such moneys, who shall refuse or neglect to make such statement as is provided in this section, shall be liable to be removed from his office by the commissioners of said county, and shall be guilty of a misdemeanor, and upon conviction be fined or imprisoned at the discretion of the court.

County officers
to file monthly
statements.

Officer failing to
make statement
liable to removal.

Misdemeanor.

Penalty.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 291.

An act to regulate the gunning and fishing in Currituck county.

The General Assembly of North Carolina do enact:

Unlawful for
non residents to
shoot wild fowl
except from
land.

SECTION 1. That it shall be unlawful for any person who is not a citizen of the State of North Carolina, to hunt or shoot any wild fowl in the county of Currituck from any box, battery or float of any kind not on land at the time.

Close season for
wild fowl.

SEC. 2. That it shall be unlawful for any person or persons to hunt, shoot, take or capture any wild fowl in the county of Currituck, between the 31st day of March and the 1st day of November of each year, or to sell or to ship out of the State any wild fowl between said dates.

Close days in
open season.

SEC. 3. It shall be unlawful for any person or persons to hunt, shoot, take or capture any wild fowl in the county of Currituck on any Wednesday, Saturday or Sunday, between the 1st day of November and the 31st day of March following in each year, or shall any person disturb or rout any raft of wild fowl, in or on the waters of Currituck Sound, on either of the days mentioned in this section, unless the same be unavoidable in the usual course of navigation through and across said sound.

Unlawful to
leave landing or
anchorage before
daylight.

SEC. 4. It shall be unlawful for any person or persons to leave any landing or anchorage before daylight in the morning for the purpose of hunting wild fowl or fishing in the waters of Currituck Sound, and it shall be unlawful for any person to continue to hunt wild fowl or fish after dark on days allowed by this act to hunt and fish, but shall at dark, on days allowed by this act to hunt and fish, go to some landing or anchorage.

Or to continue
to hunt after
dark.

SEC. 5. It shall be unlawful for any person or persons to take, catch or capture any fish with nets or other appliances in the waters of Currituck Sound between the 31st day of March and the first day of November of each year, except mullets, herrings, rock, shad and eels: *Provided*, that this section shall not be so construed as to prevent the citizens from catching fish at any time for home consumption, and sell not more than ten pounds to one person.

Unlawful to
catch fish with
nets or other
appliances
between 31st
March and 1st
November.
Exceptions.
Provido:
Not to prevent
citizen from
catching fish for
home use and
limited sale.
Unlawful to
locate wild fowl
or fish nets on
Sunday.

SEC. 6. It shall be unlawful for any person or persons to sail, row or propell a boat, over the waters of Currituck Sound on the Lord's Day or Sunday, for the purpose of locating wild fowl for a future day, or shall any person be allowed to fish a net or nets from the said county on any waters therein or adjoining on the day mentioned in this section.

SEC. 7. That it shall be unlawful for any person hired or employed to lay around, sail around or stop anywhere near any citizen, who may be gunning or fishing in Currituck Sound or tributaries for the purpose of keeping them from shooting, or damage his shooting or fishing; any person so offending, shall be guilty of a misdemeanor.

Unlawful interference with citizen gunning or fishing.

Misdemeanor.

SEC. 8. Any person or persons violating any one of the preceding sections or any part, shall be guilty of a misdemeanor for each offense, and upon conviction, shall be fined not more than fifty dollars nor less than five, or imprisoned not more than thirty days at the discretion of the court, and one-half of said fine to be paid to the informer or prosecutor, and the other half to go to the public school fund of Currituck county.

Each violation of act a misdemeanor.

Penalty.

One-half of fine to prosecutor.

SEC. 9. That this act shall be in force from and after its ratification.

Ratified the 8th day of March, A. D. 1897.

CHAPTER 292.

An act to require all land owners living on Hyco river to get rafts out of said river.

The General Assembly of North Carolina do enact :

SECTION 1. That all land owners who own land on Hyco river in Person county, North Carolina, during the months of July and August, from the Halifax county, Va., line to the Caswell county line, shall be required to cut out and get out all rafts. Land owners who own land bordering on Hyco river shall get out rafts, logs and trees to center of said river, and to get them out of the river, both of Hyco and of North and South Hyco; and that the sheriff of said county shall carry out this act, or a special officer appointed by the board of county commissioners of Person county, North Carolina, and paid as the law direct in such cases.

Land owners to clean rafts from river.

Sheriff or special officer to enforce act.

That upon the petition of ten land owners, the sheriff shall proceed to get the names of all persons owning land upon said streams, or the commissioner appointed by the board of county commissioners; and if a majority of said land owners, shall petition in writing to carry out this law, it shall be the duty of said sheriff or commissioner to summons all land owners as herein provided to carry out the provisions herein.

Procedure to enforce act.

SEC. 2. That any land owner, who fails to comply with the provisions of this act, shall pay whatever cost and expenses

Land owners to pay cost of removing rafts.

incurred in having the rafts, debris or other obstructions to be gotten out of said stream.

Further penalty.

SEC. 3. That a fine of twenty-five dollars shall also be imposed upon any land owner who shall fail or refuse to do his part as herein provided.

Fine, costs and expenses a lien on land.

SEC. 4. That the fine, cost and expenses, shall be a lien upon any land owner failing or refusing to do his part as herein provided.

Sheriff or commissioner to collect.

SEC. 5. That the sheriff or the commissioner, shall have the right to proceed to collect said sum as provided by law.

Not more than two petitions to be submitted in one year.

SEC. 6. That in case a majority of the land owners shall oppose or refuse to sign in writing the request to have this work done, that not over two petitions shall be submitted during the same year, from January 1st to December 31st, in case a majority do not sign in writing the petition and request to have the work as herein stated carried out.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 293.

An act to protect fish and certain game in the county of Cherokee.

The General Assembly of North Carolina do enact:

Finger or fall traps forbidden in certain waters.

SECTION 1. That it shall be unlawful for any person or persons to place any finger or fall traps, for the purpose of catching fish, in the Hiwassee, Nottla or Valley rivers in the county of Cherokee.

Unlawful to trap wild turkeys.

SEC. 2. That it shall be unlawful to build pens or traps for the purpose of catching wild turkeys at any time; and it shall be unlawful to hunt or shoot wild turkeys or pheasants from the tenth (10) day of May to the tenth (10) day of October.

Close season for turkeys and pheasants.

Violation of act a misdemeanor.

SEC. 3. That any person violating the provisions of this act shall be guilty of a misdemeanor, and on conviction thereof shall be fined or imprisoned or both at the discretion of the court.

Penalty.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 294.

An act to protect fish in Trent River.

The General Assembly of North Carolina do enact :

SECTION 1. It shall be unlawful for any person to set any trap or pod net of any decription whatever in the channel of Trent River.

Unlawful to set trap or pod nets in the channel of river.

SEC. 2. No person shall at any time extend his set nets more than one-third the distance across the Trent River from either side, nor shall any set nets be nearer together than one hundred yards either on the same or on the opposite side of the river.

Regulations as to set nets.

SEC. 3. Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and shall be fined not less than five dollars nor more than ten dollars or be imprisoned not less than ten or more than thirty days : *Provided*, that this bill shall not apply to Trent River within the boundaries of Craven county.

Misdemeanor.

Penalty.

Proviso :
Not to apply to the river in Craven county.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 295.

An act to protect fishing in the streams of Black River and Six Runs.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for any person or persons to fish with seine or long drift nets in the stream of Black River from the Cape Fear River to the mouth of Great Coharie, also in the Six Runs to where the A. C. L. R. R. crosses said stream, except on Tuesdays, Wednesdays and Saturdays of each week from one o'clock A. M. to eleven forty-five o'clock P. M. on each of the days above mentioned.

Fishing with seines or long drift nets regulated.

SEC. 2. That this act shall be in force from and after the 1st day of March until the 15th day of June in each and every year.

When act to be in force.

SEC. 3. That all laws heretofore enacted concerning said streams are hereby repealed.

Laws heretofore enacted repealed.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 295a

An act to amend chapter 298, laws of 1893.

The General Assembly of North Carolina do enact :

Prohibitory law
repealed as to
places named.

SECTION 1. That section two "2" of chapter 298, laws of 1893, be amended by striking out the words Hollow Springs, Laurel Hill, Oak Grove, and Indian Grove churches, in line seventeen "17" and eighteen "18" of said section and chapter.

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 8th day of March, A. D. 1897.

CHAPTER 296.

An act relating to public roads in Mecklenburg county.

The General Assembly of North Carolina do enact :

Township
trustees to meet.

SECTION 1. That the board of trustees for the several townships of Mecklenburg county, except the township of Charlotte, shall meet at some place to be named by the chairman of said board in his respective township, on the first Monday in April next following the ratification of this act, and may elect a supervisor of roads for their respective townships, whose duty it shall be to supervise the working of the public roads within the township for which he shall have been elected as such supervisor.

Compensation of
supervisor.

SEC. 2. That he shall receive for his services per day such compensation as may be determined upon by the board of trustees : *Provided*, that he shall require every person within the road working age, within the limits of his jurisdiction, to work four days on the public roads in said townships : *Provided*, that all persons who are liable to road duty in the townships named in this act, may, if the board so elect, pay in lieu of said work the sum of one dollar, which shall be paid to the supervisor of roads in each township, who shall give them a receipt for said sum.

Proviso:
Road hands to be
worked four
days.
Proviso:
Money payment
in lieu of work.

Money payment
to give exemp-
tion from road
work for one
year.

That the payment of said sum of one dollar shall be a full and complete exemption from any further road duty for one year.

SEC. 3. That all moneys collected under or by virtue of the provisions of this act, shall be paid over to the board of trustees for the benefit of the general road fund in each township.

Money paid in

SEC. 4. That the road-beds made or to be made within the

aforesaid townships, shall not be less than sixteen (16) feet wide, unless specially ordered by the board of trustees of said townships. lieu of work to be used for road fund.

That said board of trustees may, if they deem proper to do so, elect three of the members of the board to act as a road committee whose duties shall be prescribed by said board of trustees. Road beds to be sixteen feet wide. Road committee.

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

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 297.

An act for the relief of the commissioners of Pender county.

The General Assembly of North Carolina do enact :

SECTION 1. That the five hundred (\$500) dollars appropriated by section two (2) of chapter two hundred and thirty-one (231), laws of one thousand eight hundred and ninety-three (1893), to the commissioners of Pender county, to erect a free ferry over the northeast branch of the Cape Fear river as provided by said act, may be used by the commissioners of said county for general county purposes. Appropriation for free ferry to be used for general county purposes.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 298.

An act to regulate the liability of stockholders in banks chartered by the State and to forbid the lending of more than ten per cent. of the capital of such bank to one person or corporation.

The General Assembly of North Carolina do enact :

SECTION 1. The stockholders of every bank or banking association now operating by virtue of any charter or law of North Carolina or that may hereafter operate by virtue of any charter or law of North Carolina shall be held individually responsible equally and ratably and not one for another for all contracts, debts and agreements of such association to the extent of the amounts of their stock therein at the par value thereof in addition to the amount invested in such share. Liability of stockholders.

Exemption heretofore granted repealed.

SEC. 2. That any such exemption from such liability contained in any bank charter heretofore granted by the General Assembly of North Carolina is hereby repealed.

Limit on amount to be loaned to one person, firm or corporation.

SEC. 3. The total liabilities to any bank or banking association now operating by virtue of any charter or law of North Carolina or that may hereafter operate by virtue of any charter or law of North Carolina of any person or of any company, corporation or firm for money borrowed including in the liabilities of a company or firm, the liabilities of the several members thereof shall at no time exceed one-tenth part of the amount of the capital stock of such bank or banking association actually paid in. But the the discount of bills of exchange drawn in good faith against actually existing values and the discount of commercial or business paper actually owned by the person negotiating the same shall not be considered as money borrowed.

Discount of bills drawn against existing values not included.

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

Ratified the 6th day of March, A. D. 1897.

CHAPTER 299.

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

The General Assembly of North Carolina do enact :

Time allowed for settlement of state tax.

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

Time allowed for settlement of county tax.

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

Proviso: Tax sufficient for current county expenses to be collected and paid over.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 300.

An act to amend section 2062 of The Code.

The General Assembly of North Carolina do enact :

SECTION 1. That section 2062 of *The Code* of North Carolina be and the same is hereby amended by adding in line three before the word "church" the word school house: *Provided*, That this act shall only apply to Yadkin county.

Supervisors to
lay out school
roads.

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

Proviso:
To apply to Yad-
kin county only.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 301.

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

The General Assembly of North Carolina do enact :

SECTION 1. That in line two (2), section one (1), chapter one hundred and six (106), public laws of one thousand eight hundred and eighty-five (1885) relative to the stock law in Edgecombe county, be amended by adding after the word "Edgecombe" the words "between March the first (1st) and December the thirty-first (31st)".

Stock may run at
large from 31st
December to 1st
March.

SEC. 2. That all laws and clauses of laws and amendments in conflict with this amendment be and the same is hereby repealed.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 302.

An act in relation to special school tax in Person county.

The General Assembly of North Carolina do enact :

SECTION 1. That in every school district of the county of Person, any twenty-five citizens thereof free-holders therein, may apply by petition in writing to the board of commissioners of said county, asking that an annual tax of ten cents on the one hundred dollars valuation of property, and thirty cents on the poll, to supplement the public school fund for

Petition for
special school
tax.

When question
submitted to
voters.

such school district may be levied for the support of one or more public or graded schools. Whereupon, on or before the next regular meeting of said board, but not oftener than once a year, the said board of commissioners shall order that the question, whether said tax shall be levied, be submitted to the qualified voters of such school district at the different wards and election places therein as prescribed in the Chapter entitled elections regulated, and at such other places as may be prescribed by the said board of commissioners. That at said election those who are in favor of the levy and collection of said taxes may vote a ticket on which may be written or printed the words, "for schools," and those who are opposed may vote a ticket on which may be written or printed the words, "against schools."

Ballots.

Tax to be levied
if majority vote
for schools.

SEC. 2. That in case a majority of the qualified voters at such election in any school district are in favor of such tax, the same shall be annually levied and appropriated in the manner provided for the levying and appropriation of other school taxes: *Provided*, that all the monies collected in each school district under the provisions of this act shall be expended exclusively upon the school or schools therein.

Proviso:
All monies col-
lected to be used
for schools.

SEC. 3. That all laws and clauses 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 8th day of March, A. D. 1897.

CHAPTER 303.

An act to amend section one of chapter 362 of the acts of 1889.

The General Assembly of North Carolina do enact:

Prohibition for
Aspen Grove
church not to
include Turnage.

SECTION 1. That section 1, chapter 362, of the laws of 1889, be amended so as to read: "This act shall not include Turnage, a village in Edgecombe county, two miles from Aspen Grove church in Wilson county.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 304.

An act to authorize the trustees of the North Carolina Institution for the Education of the Deaf and Dumb and the Blind to employ two or more physicians.

WHEREAS, The North Carolina institution for the education of the deaf and dumb and the blind consists of two separate departments, for the white and colored pupils respectively, located in different parts of the city, a mile apart; and,

Preamble.

WHEREAS, The late Attorney-General, F. I. Osborne, gave it as his opinion that the board of trustees of said institution has no right nor authority of law to elect more than one physician to said institution; and,

Preamble.

WHEREAS, There are in this state colored physicians competent and efficient in every way to serve said institution professionally, faithfully and well; and,

Preamble.

WHEREAS, It is nothing but common justice that the patronage of the colored department of said institution should be distributed to our colored citizens whenever and wherever it is practicable so to do; and,

WHEREAS, Where there are large aggregations of children, such as are domiciled in both departments of said institution, and as such very liable to diseases both epidemic and endemic; and,

WHEREAS, If such diseases were prevailing at both departments of said institution at one and the same time it would be impracticable for one physician to give that professional care which the nature of the case demands; now, therefore,

The General Assembly of North Carolina do enact:

That it shall be lawful for the board of trustees of the North Carolina institution for the education of the deaf and dumb and the blind to elect two or more physicians, one or more to serve the white department and the other to serve the colored department of said institution: *Provided, however,* the combined salaries of said physicians shall not exceed seven hundred and fifty (\$750.00) dollars per annum.

Lawful for trustees to elect two or more physicians.

Proviso: Combined salaries not to exceed \$750.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 305.

An act to amend section 698 of The Code.

The General Assembly of North Carolina do enact :

Purchaser of
railroad sold
under foreclos-
ure to succeed to
corporate rights
and privileges
only when rail-
road is sold as an
entirety.

SECTION 1. That section 698 of *The Code* be amended by adding after the last word thereof the following words: In the event of the sale of a railroad in foreclosure of a mortgage or deed of trust, whether under a decree of court or otherwise, the corporation created by or in consequence of such sale shall succeed to all the franchises, rights and privileges of said original corporation only when such sale is of all the railroad owned by the company and described in the mortgage or deed of trust, and when said railroad is sold as an entirety; and said new corporation shall have the right from time to time to issue bonds secured by mortgage on its property and franchises to an aggregate amount equal to those which could have been issued by the original company, maturing at such date as shall be specified in said mortgage bonds, and bearing interest not exceeding six per cent. per annum; and said successor corporation shall have the right to issue part of its capital stock as preferred stock, the same to bear interest not exceeding six per cent.

Power of new
corporation to
issue bonds.

Preferred stock.

SEC. 2. That all laws or clauses of laws in conflict with this act be and the same 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. 1897.

CHAPTER 306.

An act to amend chapter 449, public laws of 1891, relative to the cotton and peanut weighers of Edgecombe county.

The General Assembly of North Carolina do enact :

Compensation
of cotton and
peanut weighers
fixed.

SECTION 1. That in line six, section 4, chapter 449, public laws of 1891, relative to cotton and peanut weighers in Edgecomb county, be amended by striking out the word "ten" and insert the word "eight" and in same line after the word "and" strike out the word "two" and insert the word "one."

SEC. 2. That all laws and parts of laws in conflict with this amendment 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. 1897.

CHAPTER 307.

An act to place Gaston and Cleveland in the seventh congressional district and Yadkin and Davie in the eighth congressional district.

The General Assembly of North Carolina do enact :

SECTION 1. That hereafter the counties of Cleveland and Gaston shall constitute a part of the seventh congressional district, and that the counties of Yadkin and Davie shall constitute a part of the eighth congressional district.

Cleveland and Gaston to constitute part of 7th and Yadkin and Davie part of 8th Congressional District.

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

SEC. 3. That this act shall not take effect until October 1, 1897.

Ratified the 8th day of March, A. D. 1897.

CHAPTER 308.

An act to amend chapter 485 of the laws of 1891.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter 485 of the laws of 1891 be amended as follows : Strike out in line three (3) of section one (1) the word "empower" and insert the word "direct."

Commissioners of Pasquotank directed to compromise.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 309.

An act to protect the landowners in Chatham county.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for any person residing in stock law territory in Alamance county to permit any live stock to graze or range on lands in Chatham county not included in any stock law territory.

Unlawful for residents of stock law territory to range stock on lands outside.

SEC. 2. That any person or persons so offending shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Violation a misdemeanor. Penalty.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 310.

**An act for the protection of travelers on public roads against
barbed wire fences.***The General Assembly of North Carolina do enact :*

Unlawful to con-
struct barbed
wire fence other-
wise than as
directed.

SECTION 1. That it shall be unlawful for any person or corporation to erect or construct a barbed wire fence along any road or highway unless they put two railings or planks on top of said fence, not less than three inches in width and not less than six inches apart.

Violation a mis-
demeanor.

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 any one damaged by erection of said fence.

Liability for
damages.

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

To apply only to
Polk county.
When act to take
effect.

SEC. 4. That this act shall be in force from and after November (1, 1897) first, one thousand eight hundred and ninety-seven.

Ratified the 8th day of March, A. D. 1897.

CHAPTER 311.

**An act for the relief of the estate of J. R. Beeman, former
treasurer of Sampson county.***The General Assembly of North Carolina do enact :*

Preamble.

SECTION 1. That whereas J. R. Beeman, former treasurer of Sampson county, state of North Carolina, did accept from J. M. Spell, former sheriff of said county, two certificates of deposit amounting to \$1,250.00 against the Clinton loan association, which said sum of money represented a portion of the school fund of said county.

Preamble.

SEC. 2. That whereas the said Clinton loan association has settled in full with the deposit holders, of this class of the notes of 67 per cent. of the amount due on January first, 1892.

Commissioners
of Sampson
authorized to
compromise
claims.

SEC. 3. Now, therefore, the board of commissioners of Sampson county are hereby empowered to allow the estate of said J. R. Beeman, Sr., to settle and compromise said school claims of \$1,250.00 by paying the amount of 67 per cent. thereof, with interest added to January the first, 1892, the same being the note that has been generally accepted and acted upon by the citizens of Sampson county and adjoining counties.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 312.

An act to authorize the commissioners of Polk county to order an election on the question of local option.*The General Assembly of North Carolina do enact :*

SECTION 1. That upon petition or other satisfactory evidence it shall be the duty of the county commissioners of Polk county, after giving lawful notice as is provided for in sections 3112 and 3116, inclusive, of *The Code*, to cause an election to be held in said county on the question of local option.

Commissioners
may order elec-
tions.

SEC. 2. That in case the majority at such election shall vote "no license," it shall be unlawful for any person to manufacture or sell spirituous liquors within the county of Polk, and any person violating the provisions of this act shall be guilty of a misdemeanor, and fined or imprisoned, or both, at the discretion of the court.

Unlawful to
manufacture or
sell liquor in Polk
county if major-
ity vote no
license.
Misdemeanor.
Penalty.

SEC. 3. That the county commissioners of said county be and they are hereby authorized to call said election to be held on the first Thursday in August, 1897.

When election
may be called.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 313.

An act to incorporate the Bladen and Columbus Railroad and Lumber Company.*The General Assembly of North Carolina do enact :*

SECTION 1. That Bradley L. Eaton, George Rountree, Jno. A. Arringdale, and such other parties as may be associated with them, and their successors and assigns, be and they are hereby created a body politic and corporate by the name of the Bladen and Columbus Railroad and Lumber Company, under which name it shall have perpetual succession and a common seal, may sue and be sued, plead and be impleaded, and enjoy all the powers, rights and privileges of other like corporations under existing laws or those hereafter enacted.

Corporators.

Corporate name.

Corporate
powers.

SEC. 2. The capital stock of said company shall be one hundred thousand dollars, divided into shares of one hundred dollars each, and all subscriptions to the capital stock may be paid in money, labor, land, materials or other things of value, as may be agreed upon between the company and the subscribers ;

Capital stock.

How subscrip-
tions may be
paid.

	and the shareholders of said company may from time to time increase the capital stock to any amount deemed requisite for the best interest of the company. In all stockholder's meetings each share shall entitle the owner to one vote.
Votes of shares.	
Books of subscription.	SEC. 3. Books of subscription may be opened by any two of the corporators hereinbefore named at such times and places as they may appoint, and after ten per cent. of the capital stock has been subscribed, and five per cent. of such subscriptions paid in, then the stockholders may organize said company by the election of a board of directors, to consist of not less than five members, and said directors shall elect one of their own body as president of the company.
When company to organize.	
Directors.	
President.	
By-laws.	SEC. 4. The said company shall have power to make all such by-laws and regulations, consistent with the laws of the state, for its own government and for the due and orderly conduct of its affairs and the management of its property, as it may see fit and to change the same at pleasure. It shall have power to fix the number of directors, not less than five, to provide for their election and to define their powers, and to provide for the election of president and such other officers as it may desire. The principal office of the company shall be in the city of Wilmington.
Number of directors.	
Other officers.	
Principal office.	
Certificates of stock.	SEC. 5. Certificates of stock shall be issued to the subscribers under the direction of the board of directors, signed by the president and secretary of said company and authenticated by its seal, and such certificates shall be transferable in such manner as may be prescribed by the by-laws of the company,
How stock transferred.	
Power to build railroad.	SEC. 6. The said company is hereby authorized to construct, equip and operate a railroad of any gauge it may prefer from some point on the Cape Fear River in the county of Bladen, at or near Elizabethtown, to some point in the county of Columbus, at or near the town of Whiteville; and also to construct, equip and operate branches to the said railroad in any direction; such branches not to exceed twenty-five miles in length. That said company shall also have the power to cross other railroads at grade, and to connect with any railroad now or hereafter chartered and built; to purchase or consolidate with any such railroad under any corporate name the parties in interest may choose; and the said company shall have full power to dispose of by sale, lease or otherwise the said railroad and all other property of the company, or any part thereof, and to cease to operate and to remove the railroad and telegraph and telephone lines whenever the operation of them or either of them becomes unprofitable.
Termini.	
Branch roads.	
Powers in connection with other roads.	
Powers to sell or dispose of property and removal of road.	
Telegraph and	SEC. 7. The said company is hereby authorized to build and

operate telegraph and telephone lines upon its road or any part thereof. telephone lines.

SEC. 8. For the purpose of obtaining rights of way and depot stations for said railroad, the company is authorized to acquire by purchase such lands along its line as it may need; and if it cannot obtain such lands by negotiation and agreement with the owners thereof, then it shall have a right to acquire a title in fee simple by condemnation proceedings as prescribed in chapter forty-nine of *The Code of North Carolina*: *Provided*, the strip of land condemned shall not be less than fifty nor more than one hundred feet in width at the option of the company, along the line of said railroad, and one acre for each depot station.

Power to purchase land for right of way.

Power of condemnation.
Proviso:
Amount of land to be condemned.

SEC. 9. The said company shall have exclusive right to carry and transport freight and passengers over and along said railroad and upon vessels and boats run in connection therewith, at such rates as the company may prescribe, subject to law.

Exclusive rights.

SEC. 10. The said company is empowered to purchase, build, own and operate lumber mills; to conduct a general lumber business in all its branches; to acquire, own and operate steam and other vessels for water transportation. It may purchase lands and timbers and such personal property as it may deem necessary and proper for the efficient conduct of its business, all of which property may be acquired, held, used and disposed of at the discretion of the company in any manner not inconsistent with law.

Power to conduct lumber business.

Vessels for water transportation.

Power to purchase lands, timber and other property.

SEC. 11. The said company is empowered to borrow money for the construction, maintenance and operation of said railroad and other enterprises hereby authorized, and issue bonds therefor, and to execute and deliver mortgages and deeds of trust upon the franchises and property of the company, to secure the payment of said bonds.

Power to borrow money, issue bonds and make mortgage.

SEC. 12. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 13. This act shall be in force from and after its ratification.

Ratified the 8th day of March, A. D. 1897.

CHAPTER 314.

An act to incorporate the Duplin and Wayne Railway and Lumber Company.

The General Assembly of North Carolina do enact:

SECTION 1. That John A. Aringdale, C. O. Byerly, E. C. Gates, and such other parties as may be associated with them

Corporators.

Corporate name.	and their successors and assigns, be and they are hereby created a body corporate by the name of the Duplin and Wayne Railway and Lumber Company, under which name it shall have perpetual succession and a common seal, may sue and be sued, plead and be impleaded, and enjoy all the powers, rights and privileges of other like corporations under existing laws or those hereafter enacted.
Corporate powers.	
Capital stock.	SEC. 2. The capital stock of said company shall be one hundred thousand dollars, divided into shares of one hundred dollars each, and all subscriptions to the capital stock may be paid in money, labor, land, materials or other things of value, as may be agreed upon between the company and the subscribers; and the shareholders of said company may from time to time increase the capital stock to an amount deemed requisite for the best interest of the company. In all stockholders' meetings each share shall entitle the owner to one vote.
How subscriptions may be paid.	
Votes of shares.	SEC. 3. Books of subscription may be opened by any two of the incorporators hereinbefore named at such times and places as they may appoint, and after ten per cent. of the capital stock has been subscribed, and five per cent. of such subscriptions paid in, then the stockholders may organize said company by the election of a board of directors, to consist of not less than five members, and said directors shall elect one of their own body as president of the company.
Books of subscription.	
When company to organize.	
Directors.	SEC. 4. The said company shall have power to make all such by-laws and regulations, consistent with the laws of the state, for its own government and for the due and orderly conduct of its affairs and the management of its property, as it may see fit, and to change the same at pleasure. It shall have power to fix the number of directors not less than five, to provide for their election and to define their power, and to provide for the election of president and such other officers as it may desire. The principal office of the company shall be in the city of Wilmington.
President.	
By-laws.	
Number of directors.	SEC. 5. Certificates of stock shall be issued to the subscribers under the direction of the board of directors, signed by the president and secretary of said company, and authenticated by its seal, and such certificates shall be transferable in such manner as may be prescribed by the by-laws of the company.
Other officers.	
Principal office.	
Certificates of stock.	SEC. 6. The said company is hereby authorized to construct, equip and operate a railroad of any gauge it may choose from some point on North East River, at or near Croom's bridge in the county of Duplin, to some point on the Wilmington and Weldon Railroad Company in the said county, or in the county of Wayne; and also to construct, equip and operate branches
How stock transferable.	
Power to build railroad.	
Termini.	
Branch roads.	

to the said railroad in any direction, such branches not to exceed twenty-five miles in length. The said company shall also have power to cross other railroads at grade and to connect with any railroad now or hereafter chartered and built; to purchase or consolidate with any such railroad under any corporate name the parties in interested may choose; and the said company shall have full power to dispose of by sale lease or otherwise, the said railroad and all other property of the company, or any part thereof, and to cease to operate and to remove the railroad and telegraph and telephone lines whenever the operation of them or either of them becomes unprofitable.

Powers in connection with other roads.

Power to sell and dispose of property and remove road.

Telegraph and telephone lines.

SEC. 7. The said company is hereby authorized to build and operate telegraph and telephone lines upon its road or any part thereof.

SEC. 8. For the purpose of obtaining rights of way and depot stations for said railroad, the company is authorized to acquire by purchase such lands along its line as it may need; and if it cannot obtain such lands by negotiation and agreement with the owners thereof, then it shall have a right to acquire a title in fee-simple by condemnation proceedings as prescribed in chapter forty-nine of *The Code of North Carolina: Provided* the strip of land condemned shall not be less than fifty nor more than one hundred feet in width, at the option of the company, along the line of said railroad, and one acre for each depot station.

Powers to obtain right of way.

Power of condemnation.

Amount of land condemned.

SEC. 9. The said company shall have exclusive right to carry and transport freight and passengers over and along said railroad and upon vessels and boats run in connection therewith, at such rates as the company may prescribe, subject to law.

Exclusive rights.

SEC. 10. The said company is empowered to purchase, build, own and operate lumber mills; to conduct a general lumber business in all its branches; to acquire, own and operate steam and other vessels for water transportation; it may purchase lands and timber and such personal property as it may deem necessary and proper for the efficient conduct of its business, all of which property may be acquired, held, used and disposed of at the discretion of the company in any manner not inconsistent with law.

Power to do lumber business.

Vessels for water transportation. Powers to purchase land, timber and other property.

SEC. 11. The said company is empowered to borrow money for the construction, maintenance and operation of said railroad and other enterprises hereby authorized, and issue bonds therefor, and to execute and deliver mortgages and deeds of trust upon the franchises and property of the company to secure the payment of said bonds.

Power to borrow money, issue bonds and make mortgage.

SEC. 12. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 13. This act shall be in force from and after its ratification.

Ratified the 8th day of March, A. D. 1897.

CHAPTER 315.

An act to incorporate the New Hanover society for the prevention of crime.

The General Assembly of North Carolina do enact :

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| Corporators. | SECTION 1. That the mayor of the city of Wilmington, the board of commissioners for New Hanover county, and a committee of five to be annually selected by the board of public charities of the city of Wilmington, be and the same are hereby created a body corporate, with the usual powers. |
| Corporate name. | SEC. 2. That the name of said corporation shall be "The New Hanover Society for the Prevention of Crime." |
| Corporate powers. | SEC. 3. That in addition to the powers already granted, the said corporation shall have full power and authority, in their corporate name, to give and receive money, <i>choses</i> in action, or other property, and to issue evidences of debt; to purchase or lease farming land and establish thereon a home for "homeless children," and hold the same and all its appurtenances in fee simple; or otherwise. |
| To establish home for homeless children. | |
| Corporation to control home. | SEC. 4. That they shall have authority to control said home by the selection of such managers, keepers or matrons, as may be necessary; and in general shall have complete control over said home, by committee or otherwise, as the said corporation may determine; and for the proper government thereof, may adopt such rules, ordinances or regulations as in their judgment may be wise and judicious. |
| Appointment of managers, keepers and matrons. | |
| Rules, ordinances and regulations. | |
| Children eligible for admission to home. | SEC. 5. That all colored children, resident in New Hanover county, of fourteen (14) years old or under, without parents or homes, shall be eligible to admission into said children's home, so long as there may be sufficient accommodations for them. |
| Child escaping guilty of misdemeanor. | SEC. 6. That any child, <i>doli copax</i> , who shall escape or run away from said home, shall be guilty of a misdemeanor, and upon conviction sent to the state reformatory or penitentiary; and any person or persons who shall wilfully entice any child away from said home shall be guilty of a misdemeanor and fined or imprisoned in the discretion of the court. |
| Penalty. | |
| Person enticing child away from home guilty of misdemeanor. | |
| Penalty. | |

SEC. 7. That all children shall be released from said home upon coming of sixteen years of age or sooner, in the discretion of the governing committee. When children to be released.

SEC. 8. That the said home shall be supported as near as may be by the labor of the inmates. How home supported.

SEC. 9. That the children shall be by their keepers or matrons taught a limited amount of reading, writing, spelling and arithmetic. Children to be taught.

SEC. 10. That this act shall be in force and effect from and after its ratification.

Ratified the 8th day of March, A. D. 1897.

CHAPTER 316.

An act to create a board of commissioners to manage and control the convict and road system of Mecklenburg county.

The General Assembly of North Carolina do enact:

SECTION 1. The time has arrived when it is a necessity to extend four or more great trunk lines of macadamized roads from Charlotte to the county limits, and in order to effect this a commission for the county of Mecklenburg, to be known as the convict and road commission, is hereby created, to consist of the following named persons, citizens of Mecklenburg county: R. E. McDonald, John O. Alexander, Charles Robinson, who shall hold office for the period of two (2), four (4) and six (6) years, in the order in which said commissioners are herein named. All vacancies by expiration of term, death, resignation or otherwise, shall be filled by the board of county commissioners, shall fill such vacancy on the recommendation of the chairman of the county executive committee to which the retiring member of said commission belonged at the time of his appointment. Trunk lines of road to be extended.

Convict and road commission created.

Commissioners.
Terms of office.

Vacancies to be filled by county commissioners.

SEC. 2. That it shall be the duty of said convict and road system commission to take complete control and management of the convicts and roads of Mecklenburg county, and said commissioners are hereby vested with all the rights and powers now exercised by the said board of county commissioners in the control of the convicts and roads. Commission to take control of convicts and roads.

Rights and powers of commission.

SEC. 3. That said convict and road commission shall meet in Charlotte on the first Monday of April next and organize by electing one of their number as chairman; and said commission shall meet on the first Monday of every month thereafter for Commission to meet and organize.

Further meetings.

Warrants for road disbursements to be signed by chairman of commission.

Compensation of commission.

Duties of commission may be performed by one member.

Compensation.

transaction of all business connected with the working of the convicts and making of public roads in said county of Mecklenburg. The warrants for all expenses and disbursements on account of said system shall be signed by the chairman and paid by the county treasurer out of the special funds he has on hand for this purpose.

SEC. 4. That each member of said commission shall receive two (\$2.00) dollars per day for each meeting, but the commission shall not sit for more than one (1) day during each month, unless there is imperative need of a special meeting, which may be called by the chairman for one (1) day only.

SEC. 5. That the said commission may authorize one of their number, or any other person, to perform during the vacation of the commission any duties appertaining to said convict and road system when it may be impracticable for the commission as a body to perform, and while in discharge of these duties the person performing the same shall receive two (\$2.00) dollars per day.

SEC. 6. That all acts inconsistent or in conflict with this act are repealed.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 317.

An act for the relief of the commissioners of Surry county.

The General Assembly of North Carolina do enact:

General county funds may be used for repair of stock law fences.

SECTION 1. That the commissioners be and are hereby authorized to pay off claims against the county of Surry, for repairs made and to be made on the stock-law fence around said county, out of the general fund of said county, when the same is not needed for other purposes.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 318.

**An act to repeal chapter (380) three hundred and eighty,
public laws of 1895.***The General Assembly of North Carolina do enact:*

SECTION 1. That chapter three hundred and eighty (380), public laws of eighteen hundred and ninety-five (1895), be and the same is hereby repealed.

Prohibition of
fishing in Big
East Fork of
Pigeon river
repealed.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 319.

**An act to drain the lowlands of Hogan's creek in Rockingham
county.***The General Assembly of North Carolina do enact:*

SECTION 1. That F. M. Combs, Ed Harrell, David Tate, Jesse Sanders, Alfonzo Allen and Rufus Lynn be appointed commissioners whose duty it shall be, on or before the first day of July, 1897, to lay off Hogan's Creek in Rockingham county from and including James Combs' land, and from a point on said creek at the upper end of James Walker's old tract to the Caswell county line, into sections of convenient length, and to appoint one overseer for each section, who shall hold his office for two years, and who shall be a landowner in the section in which he is appointed overseer.

Commissioners
appointed.

To lay off creek
in sections.

Overseers to be
appointed.
Term of office.

Qualification.

SEC. 2. That a majority of said commissioners shall have power to elect one of their number chairman, and may fill vacancies in their own number or that of overseer, and in case they fail or neglect to fill vacancies occasioned by death or otherwise, the board of county commissioners of Rockingham county shall, on application being made, appoint commissioners and overseers for the purpose herein mentioned.

Commissioners
to fill vacancies
and elect chair-
man.

Duty of county
commissioners
on refusal of
commissioners
to act.

SEC. 3. That said commissioners shall estimate the number of acres of bottom land of each individual on the stream between the points mentioned in section one of this act, and shall furnish each overseer with a copy of the estimates of his section in which those lands lie, and, upon notice of seven days by said overseer, shall furnish one efficient hand with approved tools, such as shall be notified by the overseer to furnish for every

Commissioners
to estimate bot-
tom lands.

Overseers fur-
nished with
copy.

Hands to be
furnished.

Penalty for failure to furnish hands.
How penalty recovered.
Work apportioned in proportion to bottom land.

Duty of overseers.

Proviso:
Power of commissioners.

Misdemeanor to fell timber in stream and allow same to remain.

Penalty.

Proviso:
Payment to overseer before presentment to release from indictment.

Penalties to be applied in improving channel of stream and stopping washes.

Failure of overseer to perform duties misdemeanor.
Penalty.
Proviso:
No person compelled to serve more than one term.
Power of commissioners to stop washes.

twenty-five acres and one for every majority fraction of twenty-five acres in the meaning of this act; and on failure so to do shall forfeit and pay one dollar per day for failure for 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 sections, as provided for in section one of this act, to distribute the labor among the landowners in proportion to the number of acres of bottom land owned by them within the estimate provided for in section three of this act, as equally as may be, and to allot to the overseers of each section the hands required of the owners of lands embraced in his section.

SEC. 5. That it shall be the duty of each overseer, with the hands so provided, to work in each and every year within the bounds of their respective sections, not less than three nor more than eight days, at the discretion of the commissioners, in the channel of said stream, with the power to straighten, remove obstructions and improve the banks thereof: *Provided*, that said commissioners, by unanimous consent, may in their discretion order any and all overseers within their respective bounds to work at any point on said stream.

SEC. 6. That any person or persons who shall wilfully and knowingly fell timber into, or otherwise obstruct the water in the channel of said stream between the points mentioned in section one of this act, and shall permit the same to remain therein for a space of ten days, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than five dollars 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 offence was committed before a presentment is made of the same, he or they shall not be liable to indictment for the same.

SEC. 7. That all moneys arising from failure to work on said stream, and all penalties collected under the provisions of this act, shall be paid over to overseer of the section in which it may arise, and by him shall be expended in improving the channel of said stream, or in stopping washes on either side of same, and any overseer failing or neglecting to perform the duties required by this act, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than five dollars nor more than ten dollars: *Provided*, that no person shall be required, without his consent, to serve more than one term of two years at one time.

SEC. 8. That the commissioners shall also have power to stop all washes emptying into said stream so as to prevent the same

from filling with sand, and may exercise such powers in the same way and under the same rules and regulations as are prescribed in this act for drainage lowlands by opening the streams as fully as the power given in the foregoing sections.

SEC. 9. That nothing contained in this act shall prevent the building of public bridges on public roads across said streams, or private bridges on roads by the landowners for their own convenience: *Provided*, the same shall be kept clear from rubbish.

Public and private bridges.

Bridges to be kept free from rubbish.

SEC. 10. That nothing herein contained shall be so construed as to exempt persons herein mentioned from working on the public roads.

No exemption from road work.

SEC. 11. That this act shall be in force from and after its ratification.

Ratified the 8th day of March, A. D. 1897.

CHAPTER 320.

An act to provide for additional county commissioners.

The General Assembly of North Carolina do enact:

SECTION 1. That whenever as many as twelve electors of any county (one-half of whom shall be freeholders) shall make an affidavit before the clerk of the superior court of the county, that they have carefully examined into the business affairs of the county, as managed by the board of county commissioners, elected by the people, and they have ascertained that the board of commissioners have unlawfully and wilfully, or being incompetent have unlawfully and wilfully mismanaged the business affairs of the county; or have unlawfully and corruptly misappropriated or caused to be misappropriated or misapplied any part of the funds of the county; then upon filing such affidavit with the judge of the district, or the judge presiding therein, it shall be the duty of such judge to issue a citation of said board of commissioners requiring them to appear before him at such times and place as he may name, after having given them ten days' notice thereof, stating the particular act or acts constituting the breach of duty complained of, which shall be fully set forth in said affidavit, and answer the charges therein made.

Petition for additional county commissioners.

With judge of district or judge residing therein. Judge to issue citation.

SEC. 2. That if such judge shall be satisfied, after hearing the charges, answers, exhibits and proofs, that the charges made as aforesaid are true, then it shall be his duty to appoint two honest and discreet electors and citizens of said county, who

If petition sustained judge to appoint two commissioners.

Qualifications of appointees.

Appointees to have full powers.

Term of office.

shall be of a political party different from that of a majority of the said 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 their successors of said board of county commissioners.

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 8th day of March, A. D. 1897.

CHAPTER 321.

An act to provide a suitable garden for the North Carolina Institution for the education of the deaf and dumb and the blind at Raleigh.

The General Assembly of North Carolina do enact:

Present garden may be sold or exchanged and another procured with proceeds.

SECTION 1. That the board of trustees of the North Carolina Institution for the education of the deaf and dumb and the blind, in the city of Raleigh be, and they are hereby authorized to exchange or sell a part or the whole of the lot lying west of the colored department of the said institution, now used for gardening purposes, and to secure with the proceeds property contiguous, whose soil is more suitable for gardening, if they deem it wise.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 322.

An act to regulate fishing in Newbegun creek in Pasquotank County.

The General Assembly of North Carolina do enact:

Regulations for setting nets in Newbegun creek and Pasquotank river.

SECTION 1. It shall be unlawful for any person to set any net in Newbegun creek within eight hundred (800) yards of the mouth of said creek; and it shall be unlawful for any person to set any net in Pasquotank river, within four hundred (400) yards of the mouth of said creek. For the purpose of this act, the mouth of said creek shall be a line drawn from Harney's point to Pool's point by the shortest distance.

Mouth of creek defined.

SEC. 2. It shall be unlawful to set any net in said creek which shall extend beyond the middle of said creek, and no person shall set any net in said creek within three hundred yards of any net previously set. All nets set in said creek shall be set alternately from its shores; that is, one net from the north side, the next from the south side of said creek, and the distance from the outer ends of said nets shall not be less than three hundred (300) yards.

Further regulations for setting nets in Newbegun creek.

SEC. 3. It shall be unlawful for any person to permit his seine to lie still in the waters of Newbegun creek, or in the waters of the Pasquotank river within one mile of the mouth of said creek, after the same has been laid by him or his employees.

Unlawful to permit seine to lie still.

SEC. 4. Any person violating any provision of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than (\$10.00) ten dollars, nor more than fifty (\$50.00) dollars, or imprisoned not exceeding thirty (30) days for each offence, or both in the discretion of the court.

Violation of act a misdemeanor.

Penalty.

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

SEC. 6. This act shall be in force from and after its ratification, and shall apply to fishing in said creek only between the tenth day of March and the tenth day of May of each and every year; and shall only apply to fishing in said creek within two miles of the mouth thereof.

When and where act to apply.

Ratified the 8th day of March, A. D. 1897.

CHAPTER 323.

An act to incorporate the Tar river and Carolina railroad company.

The General Assembly of North Carolina do enact :

SECTION 1. That R. W. King, F. G. James, Oscar Hooker, L. I. Moore and R. J. Cobb, and such others as may become associated with as stockholders and their successors and assigns be and they are hereby declared a body politic and incorporate under the title and name of "The Tar River and Carolina Railroad Company." And when organized as hereinafter provided, said corporation may sue and be sued, implead and be impleaded, contract and be contracted with in its corporate name; may adopt and use a common seal, shall be capable of purchasing or acquiring by gift or devise, estate real, personal or mixed, and of holding, leasing or selling the same as the interests of the said corporation may require; may make all such by-laws for its

Corporators.

Corporate name.

Corporate powers.

regulation and government as may be deemed necessary or expedient for that purpose, not inconsistent with the laws of this state or of the United States.

Power to construct, maintain and operate railroad.

SEC. 2. That the said railroad company is hereby authorized and empowered to construct, operate and maintain a commercial railroad for the transportation of freight and passengers, with one or more tracks to run from some point on Tar river at or below the town of Greenville or Washington, *via* the town of Wilson, to some point on the Raleigh and Gaston railroad or beyond, and such branch lines running into the aforesaid main line as they may deem necessary.

Beginning point.

Route.

Terminus.

Branch lines.

Capital stock.

SEC. 3. That the capital stock of said company shall be one hundred thousand dollars with the privilege of increasing the same to one million dollars, in the discretion of the stockholders by a majority vote of the same; said stock shall be divided into shares of the value of one hundred dollars each, and may be raised by subscriptions on the part of individuals, municipal or other corporations, and may be paid in money, labor, land, material, stocks or bonds, or in any other way that may be agreed upon by the said incorporators.

How subscriptions may be paid.

Books of subscription.

SEC. 4. That the books of subscription to the capital stock of said company shall be opened by the corporators aforesaid, and they, or a majority of them, may at any time after five thousand dollars shall have been subscribed to the said capital stock and five per cent. thereof paid thereon, have the power to call together the subscribers to said capital stock for the purpose of completing the organization of said company.

When company to organize.

Meetings of stockholders.

SEC. 5. That the said company shall hold a meeting of its stockholders at its organization and annually thereafter. At their first meeting they shall elect a board of not less than five directors, all of whom shall be stockholders in said company, who shall hold office for the term of two years, or until their successors are elected; and in all such meetings of the stockholders, a majority of the stock shall be represented in person or by proxy, such proxy to be verified in a manner to be prescribed in the by-laws of said company, and each share shall be entitled to one vote on all questions. That it shall be the duty of the directors to elect one of their number president of said company, and to elect such other officers as shall be provided in the by-laws of said company, and fill all vacancies which may occur in said board during the term for which it is elected.

Election of directors.

Term of office.

Quorum of stockholders.

Directors to elect president and other officers and fill vacancies.

Certificates of stock. How transferable.

SEC. 6. That said company shall issue certificates of stock to its members, and stock may be transferred in such manner as may be prescribed in the by-laws of the company.

Subscription to

SEC. 7. That the commissioners of any county or township,

or the municipal authorities of any incorporated city or town, through or by which said railroad or its branches may pass, shall have full power or authority to make donations to said company, or to subscribe to its capital stock on behalf of their respective counties, townships, cities or towns, to the amount they shall be authorized by the said county, township, city or town respectively, and the authorities of any other corporation to such an amount as they may be authorized to do by their directors or members. And to enable them to borrow money to make such donation or subscription, they may issue bonds or other evidences of debt, and such subscriptions or donations shall be as binding upon such county, township, city, town or other corporation as upon any private individual, and in all cases when a township shall make a subscription or donation, the county commissioners shall represent such township and make such subscriptions or donations, when authorized by vote as herein provided.

capital stock by municipal and other corporations.

Subscription binding on corporations.

Township subscribing represented by county commissioners.

SEC. 8. That, for the purpose of determining the amount of such subscription or donation, it shall be the duty of such county commissioners or municipal authorities, as aforesaid, in or through which said railroad may be located, or which may be interested in the construction of said road, or in which is situated the township in or through which said railroad may pass, upon a written application of thirty resident freeholders of said county, city, township or town, specifying the amount to be subscribed or donated in bonds, to submit to the qualified electors of such county, city, township or town, as the case may be, the question of subscription or donation, as the case may be, and it shall be the duty of said county commissioners or municipal authorities to order an election to be held within sixty days, specifying the time, place and purpose of the election, notice of which shall be given for at least thirty days in some newspaper published or circulated in such county, township, city or town, and to provide for the holding of the same according to law; that at such election those who favor such subscription or donation, as the case may be, shall vote a ballot on which is written or printed "For Subscription" or "For Donation," as the case may be, and those opposing shall vote a ballot upon which is written or printed "Against Subscription" or "Against Donation," as the case may be. And it shall be the duty of said commissioners or municipal authorities, if the petitioners so request, to order a special registration for the election herein provided, and such registration books shall be open for four consecutive Saturdays next, preceding

Amount of subscription or donation of municipal corporations decided by election.

Application for election and what it must specify.

Order for election and what it shall specify.

Publication of notice of election.

Ballots.

Special registration. When registration books to be opened.

the day of election; they shall also appoint registrars, judges of election, etc., as provided in other elections.

When townships
subscribe bonds
railroad taxes
applied in pay-
ment.

SEC. 9. That when any township shall subscribe to the capital stock or make donation to said company as provided in this act, the county taxes which shall be annually levied and collected upon the property and franchises of said railroad company in and for the county in which said township is located shall be applied to the payment of the interest on the bonds of said township so subscribed or donated so long as said interest shall accrue, and the excess of said taxes after paying said interest be applied to general county purposes; that when more than one township in a county shall subscribe or donate its bonds as aforesaid, the said taxes shall be applied to the payment of said interest on all such bonds *pro rata*.

Issue of bonds in
payment of sub-
scriptions or
donations of
townships.

SEC. 10. That in payment of any subscription or donation as provided in section eight the board of commissioners for the county wherein such township may be located shall issue bonds to an amount not exceeding the sum so authorized to be donated or subscribed, as the case may be, and said bonds shall express on their face by what authority and for what purpose they are issued. All bonds issued under this act shall be payable at such time as may be designated in the petition aforesaid, and the interest thereon shall be payable on the first day of January in each year by the treasurer of the county, if such subscription or donation be by a county or township, or if the county have no treasurer then by the sheriff.

When bonds and
coupons payable.

Special tax for
payment of
bonds and inter-
est.

SEC. 11. That to provide for the payment of the interest and the principal of such bonds when the same shall fall due, the county commissioners, if such subscription be by a county or township, and the municipal authorities if by a town or city, on account of which said bonds have been issued, shall in addition to other taxes compute and levy upon the proper subjects of taxation in such county, township, city or town, a sufficient tax to pay the interest on such bonds and a certain amount of the amount of the principal thereof, which shall be collected in the same manner as prescribed for the collection of state and county taxes, which special tax shall be used first in the payment of the interest on said bonds, and the balance of the money shall be invested in the purchase of said bonds at a rate not above par or in the establishment of a sinking fund for their final redemption, and the officers of said county, township, city or town, collecting such monies on holding the same for their final distribution shall be liable to the same penalties and forfeitures of his bond and subject to the same remedies as are

How proceeds
of special tax
used.

Liability of
officers.

now provided for the faithful collecting and paying over of the state and county taxes.

SEC. 12. The bonds issued under the provisions of this act to secure donations to said railroad company or subscriptions to its capital stock by any township or county shall be signed by the chairman of the board of county commissioners of the county in which said township is situated and by the clerk of said board. The bonds issued by any town or city under the provisions of this act shall be signed by the mayor and two commissioners of said town or city.

How bonds to be signed.

SEC. 13. That the said company shall have the right to have land condemned for its rights of way and for necessary warehouses and buildings according to existing laws, and shall also have full power and authority to sell or lease its road-bed, property and franchise to any other corporation or individual and to purchase, lease and hold the bonds or stock of any other railroad in the state, to consolidate with any connecting line of railroad, and to make joint rates with any railroad or steamboat company.

Power to condemn land.

SEC. 14. That said company are authorized to begin the construction of its said railroad at any point on the line projected for it, and may operate any portion of it when completed, and shall have the exclusive right of transportation over the same.

Power to sell or lease road-bed, property and franchise. Power to purchase stock in other roads or consolidate with such roads.

May begin construction at any point of line. May operate part of road before completion of whole road.

SEC. 15. That said company shall have the power to employ and use in the construction of its said railroad any convicts serving a sentence in the county jail of any of the counties through which the proposed road may run, and such county commissioners are authorized to contract with them for that purpose. The said company is further authorized to employ convict labor from the state penitentiary for work on their said railroad; and the authorities of that institution are hereby authorized to contract with the said company for that purpose.

Power to use convict labor.

SEC. 16. That the said company shall be authorized to borrow money for the construction and operation of said railroad and for the purpose of this act, and to issue bonds for the amount so borrowed, and to mortgage said road or other property of said company to secure the payment thereof, principal and interest.

Power to borrow money, issue bonds and make mortgage.

SEC. 17. That the said company shall have four years from the date of ratification of this act in which to organize or begin construction of its said road.

Time within which work must commence.

SEC. 18. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 19. That this act shall take effect from and after its ratification.

Ratified the 8th day of March, A. D. 1897.

CHAPTER 324.

An act for the working of the public roads of Halifax county.

The General Assembly of North Carolina do enact :

Special tax to be levied.

Rate.

To be collected as other taxes. How applied.

Tax to be on separate column of tax books, kept separate from other taxes and used only for purposes specified.
County surveyor supervisor of the highways.
Duty.

Monthly reports.

Compensation of supervisor.

Tax to constitute general road fund.

How paid out.

Township superintendents.

Compensation.

SECTION 1. That the board of commissioners of the county of Halifax, at their regular session on the first Monday in June of each year, shall levy a special *ad valorem* tax on all property subject to taxation under state laws in said county, not exceeding twenty cents on the one hundred dollars of property, and a poll tax on all liable under the general law, not exceeding sixty 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 construction and keeping in good order and repair the public roads in Halifax county.

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.

SEC. 3. That the county surveyor shall be *ex officio* supervisor of the highways of said county, whose duty it shall be to supervise, direct and have charge of the constructing and repairing of all public roads in said county, and shall make monthly reports to the board of county commissioners.

SEC. 4. That the compensation of the said supervisor of roads aforesaid shall be fixed by the county commissioners.

SEC. 5. That the taxes raised under this act shall constitute a general fund for the improvement of the roads of said 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.

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.

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 old 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 seven (1897).

Roads worked by present system if tax insufficient.

Proviso:
Work limited to four days.
Proviso:
Present system to continue until 1st November, 1897.

SEC. 8. That this act shall be in force from and after its ratification.

Ratified the 5th day of March, A. D. 1897.

CHAPTER 325.

An act to submit the question of issuing bonds for the improvement of roads for Anson county to the voters of said county.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Anson county be and they are hereby authorized, empowered and directed to submit to a vote of the qualified electors of Anson county, North Carolina, on the first Thursday in August, 1897, it being the 5th day of said month, the question, shall the county of Anson issue fifty thousand bollars of its bonds, with interest coupons attached, to make, repair, alter and improve the public roads in Anson county? That the board of commissioners of said county, shall cause public notice to be given at two or more public places in each township in Anson county of the time and place of holding said election by posting printed notices of the same at said places for three months next immediately preceding said 5th day of August, 1897, and by publication of said notice of the election in each and every newspaper published in Anson county as a county newspaper, for three months next immediately preceeding August 5, 1897.

Duty of county commissioners.

When election to be held.
Question to be voted on.

Notice to be given.

SEC. 2. That said election shall be held and be conducted under the laws as prescribed for the election of members of the general assembly: *Provided, however*, that nothing herein contained shall be construed to require said election to be held on any day other than the 5th day of August, 1897.

How election conducted.

Proviso:
Election to be on no other day.

SEC. 3. That the board of commissioners of Anson county shall, at their regular meeting held on the first Monday in April, 1897, or as soon thereafter as practicable, appoint three persons,

Board of county commissioners to appoint board of registration.

Registrars to be sworn.	<p>one of the three a democrat, one a populist or people's party, and one a republican, and these three persons so appointed shall constitute the board of registration for each of the polling places or precincts in Anson county for said election. It shall be the duty of the three persons so appointed to take and subscribe an oath of office before entering upon their duties as such, and after having taken such oath of office, they shall during the four Saturdays next immediately preceding the day of the election, to-wit: August 5th, 1897, from the hours of 9 o'clock A. M., until sundown of said days, keep open the registration book for said election precincts, and they shall, during said days, make a complete registration of the qualified electors of said precincts by admitting to registration such persons as may have become qualified electors in said precincts since the election held on the Tuesday next after the first Monday in November, 1896, who shall apply for registration, and take the oath prescribed for electors, and such qualified electors as have not heretofore registered. Said registrars shall not be required to make a new registration of the electors of said precincts, but shall add the names of such persons as they may register under the provisions of this act, to the list of names of registered voters, as the same appear in the registration books of said election precincts for the last general election.</p>
Registration days. Hours of registration.	
New registration not required.	
Challenges made and decided on election day.	<p>SEC. 4. That all challenges of registered electors under the provisions of this act shall be made and decided by the board of registrars for the several precincts during the day of election.</p>
When election held and how conducted.	<p>SEC. 5. That said election shall be held on the 5th day of August, 1897, and conducted by the board of registrars hereinbefore provided for. The polls shall be opened on the election day by them at 7 o'clock A. M., and shall be kept open until sundown of said day, and during said election the qualified electors of said precincts who may attend and offer to vote shall be allowed to vote. When the polls have been closed the said board of registrars shall at once, in the presence of such electors who shall choose to attend, count the vote so cast, and immediately make return of the votes so cast, and the count so made to the board of commissioners of Anson county, who shall meet on the Saturday next succeeding the election, at their office in Wadesboro, at 12 M., and declare the result of said election as the same may appear by the precinct returns so made, and the declaration of such result and the returns so made to them, shall be recorded in the minutes of the board of commissioners.</p>
How vote counted and returned.	
Meeting of county commissioners to declare result.	
Declaration of result and returns to be recorded. Election of supervisors of roads.	<p>SEC. 6. That at the said time and place for holding the election hereinbefore provided for, and at the election so held, on the 5th day of August, 1897, an election shall be held in a</p>

separate box, at which three persons shall be voted for as supervisors of public roads for the county of Anson, under the same rules as hereinbefore provided, and the board of registrars shall count and make return within the time before mentioned to the board of commissioners of Anson county, of the names of the persons so voted for and the number of votes cast for each of them for said office.

Returns of vote
for supervisors.

SEC. 7. At the election so held on the day and year aforesaid, to-wit: the 5th day of August, 1897, at the several voting places in the election precincts for Anson county, the ballots tendered and cast, by the qualified electors, shall contain the following, to-wit: "for bonds" or "against bonds." All qualified electors who favor the issue of bonds for the purposes hereinbefore recited shall vote "for bonds." All qualified electors who are opposed to the issue of bonds by Anson county, for the purposes hereinbefore recited, shall vote "against bonds."

Ballots.

SEC. 8. In the event that the requisite majority of the qualified electors of Anson county shall vote "for bonds," at said election, then upon the declaration of said result by the board of commissioners of the county and the recording of the same in the minutes of said board, the board of commissioners of Anson county are hereby authorized, empowered and directed to issue the bonds provided for in this act, and the said board is hereby invested with the power and discretion to issue the same, in denominations of one hundred dollars each, or any multiple thereof, not to exceed one thousand dollars each. The total amount of said bonds so issued is not to exceed fifty thousand dollars principal, and the said bonds are each to bear interest from the date thereof at the rate not to exceed (6) six per centum per annum, with interest coupons attached payable semiannually, at such time and places as may be deemed advisable by said board of county commissioners, such bonds to be of such form and tenor and transferable in such way, and the principal thereof payable or redeemable at such time or times not exceeding fifty years from the date thereof, and at such place or places as the said board of county commissioners may determine.

When and in
what event
bonds to be
issued.

Denominations
of bonds.

Amount of issue.

SEC. 9. That none of the bonds authorized by this act shall be disposed of either by sale, exchange, hypothecation or otherwise, for a less price than their face value, nor shall said bonds or their proceeds be used for any other purpose or purposes than that declared in this act.

Bonds not to be
sold at less than
par, nor proceeds
used for other
than purposes
specified.

SEC. 10. That the proceeds arising from the sale of said bonds shall be applied in the discretion of the board of commissioners of Anson county to the improvement of the principal public

Proceeds to be
applied by
county commis-
sioners.

roads of said Anson county, to be selected by the said board of county commissioners.

Special tax for payment of interest.

SEC. 11. That for the purpose of providing for the payment of the interest accruing on the bonds issued under authority of this act, the board of county commissioners of said county shall annually, and at the time of levying other county taxes, levy and lay a particular tax on all subjects of taxation on which the said board of county commissioners now are or may hereafter be authorized to lay and levy taxes for any purposes whatsoever sufficient to pay the interest on said bonds.

Supervisors of roads to employ engineer.

SEC. 12. That the supervisors of roads herein provided for, shall for the purpose of securing the proper location, grade and improvement of the principle public roads selected by the county commissioners, shall have authority to employ a competent civil road engineer, so long as his services may be required at a rate or compensation as may be agreed upon, and the grades and changes of location of said roads shall be fixed and determined under the direct personal supervision and direction of the said engineer and the supervisor of roads, who shall have power to condemn land for these necessary changes of location, and to assess damages to the owners thereof.

Compensation of engineer.
Grade and location of roads fixed by engineer and supervisors.
Power to condemn land.

SEC. 13. The supervisors of roads elected under the provisions of this act, shall constitute and be known as the road improvement commission of Anson county, who shall serve from their election until the qualification of their successors, who shall be elected at the next general succeeding election and bi-ennially thereafter, in the same manner, and for the same term as the sheriff of the county. They shall qualify by taking an oath of office.

Road improvement commission.

Term of office.

Oath of office.

Powers of supervisors and engineer.

SEC. 14. The supervisors of public roads, and the engineer are hereby invested with the same power as overseers of roads have to cut and take timber on the lands of adjacent owners: to take dirt and gravel and stone in the discharge of their duties.

General road law to continue to apply.

SEC. 15. Nothing herein contained shall be construed to modify or change in any respect the general law which provides for working the public roads of the state, but the same is in full force and effect in Anson county, and this act is an addition thereto.

Proceeds of bonds not expended on roads within towns.

SEC. 16. No part of the proceeds of said bonds shall be expended upon roads within the corporate limits of any town duly incorporated in Anson county.

SEC. 17. This act shall take effect from and after its ratification.

Ratified the 5th day of March, A. D. 1897.

CHAPTER 326.

An act to complete the public roads provided for in chapter three hundred and sixty-four, laws of 1893, from Mills creek in Wilkes county to Creston in Ashe county.

The General Assembly of North Carolina do enact :

SECTION 1. That section five (5) of chapter three hundred and sixty-four (364) of the laws of one thousand eight hundred and ninety-one (1891) be and the same is hereby amended by striking out the words "within twelve months from the ratification of this act" in lines two and three of said section five (5) and insert in lieu thereof the words "within two (2) years from February 20, one thousand eight hundred and ninety-seven (1897): *Provided*, that no person liable to work said road in Wilkes county shall not be compelled to work more than six days in any one year.

Time for construction of road extended.

Proviso:
Only six days work required of any person in any year.

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

Ratified the 5th day of March, A. D. 1897.

CHAPTER 327.

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 be and are hereby authorized and empowered to levy a special tax of twenty-five cents (25c) on the one hundred dollars valuation of real and personal property in said county, and seventy-five cents (75c) on each poll in said county annually for two years, viz.: For the years eighteen hundred and ninety-seven (1897), and eighteen hundred and ninety-eight (1898), to be expended and applied for the special purpose of maintaining the free public ferries of said counties, and maintaining, constructing and repairing the free public bridges in said county, and for paying the indebtedness of the said county with the interest accrued and accruing thereon arising from the purchase of Street's and Nelson's ferries in said county.

Special tax authorized.

Rate.

How tax expended and applied.

SEC. 2. That the said tax shall be levied and collected as other public taxes are levied and collected in said county.

To be levied and collected as other taxes.

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

Ratified the 5th day of March, A. D. 1897.

CHAPTER 328.

An act supplemental to an act entitled "an act concerning the department of agriculture and the college of agriculture and mechanic arts," and providing for the separate control and management of the North Carolina college of agriculture and mechanic arts.

The General Assembly of North Carolina do enact :

Trustees of Agricultural College distinct from department of agriculture.

Number of trustees.
President of college ex officio.
Classes and terms of office.

Governor to nominate trustees.
One trustee from each congressional district.
Five from state at large.

Governor to fill vacancies.

Powers of former boards vested in board herein created.

Secretary of state to furnish governor with copy of act.

SECTION 1. That from and after the ratification of this act the North Carolina College of Agriculture and Mechanic Arts shall be controlled and managed by a board of trustees entirely separate, apart and distinct from the department of agriculture, together with the care and preservation of all its property.

SEC. 2. The board of trustees shall consist of fifteen persons, of whom the president of the college shall be *ex officio* one; the other fourteen shall be divided into three classes, to be confirmed by the Senate, and their terms shall be four for two years, five for four years, and five for six years. The governor shall nominate these trustees to the Senate, and shall state the term of each in the nomination. The governor shall select one trustee from each congressional district and the other five from the state at large.

SEC. 3. All vacancies occurring under this act shall be filled by the appointment of the governor and confirmed by the Senate if that body is in session at the time of the filling of the vacancy; if the Senate is not in session when the vacancy is to be filled, the governor shall appoint, and the appointee shall hold until his successor is confirmed by the Senate; and if the Senate, shall fail to confirm any nomination, the governor, within ten days after the adjournment of the Senate, fill the vacancy.

SEC. 4. All powers heretofore vested in a board of trustees under chapter four hundred and ten (410) of the public laws of eighteen hundred and eighty-seven (1887) and chapter three hundred and forty-eight (348) of the public laws of eighteen hundred and ninety-one (1891), and the act of this General Assembly to which this is supplemental, and all other laws not specially mentioned herein which are not inconsistent nor in conflict with this act, are hereby vested in the board of trustees created by this act.

SEC. 5. Immediately upon the ratification of this act the secretary of state shall furnish to the governor a certified copy thereof, and immediately upon confirmation by the senate the

secretary of state shall notify each trustee of his appointment, and the trustees shall assemble at the college on Tuesday, the ninth day of March next, and shall proceed to organize under this act, and enter upon the discharge of their duties by electing a president of the board, and such other officers as the board may deem for the best interests of the college. The number and time of the meetings of the board shall be fixed by the board, and that the trustees shall not receive any pay or per diem, but only their traveling expenses, and that only for four times in each year.

SEC. 6. It is not the intention of the general assembly that the trustees herein provided for shall be officers within the meaning of section seven (7) of article fourteen (14) of the constitution, and they are declared to be special trustees for the special purposes of this act.

SEC. 7. This act is supplemental to an act heretofore enacted by this general assembly entitled "an act concerning the Department of Agriculture and the College of Agriculture and Mechanic Arts," and must be construed in connection with that act.

SEC. 8. This act shall be in force from its ratification.

Ratified the 5th day of March, A. D. 1897.

And notify trustees of appointment.
When and where trustees to meet and organize.
President of board and other officers.

Meetings of board.

Trustees to be paid traveling expenses only.

Trustees not to be deemed officers.

To be construed in construction with act to which it is supplemental.

CHAPTER 329.

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

The General Assembly of North Carolina do enact:

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

County commissioners authorized to borrow money and issue bonds.
Amount of issue.

SEC. 2. That said bonds shall be issued in denominations of one hundred dollars each, and that five of said bonds shall become due and payable one year after date, and five more of said bonds shall become due and payable each succeeding year after the maturity of the first five bonds, until all shall be paid, which times of payment shall be expressed upon the face of said bonds, together with the place where the same shall be payable.

Denominations.

When bonds to become due.

Time and place of payment to be expressed in face of bonds.

How bonds
signed and
authenticated.

SEC. 3. That said bonds shall be signed by the chairman of the board of commissioners of Sampson county, and countersigned by the clerk of said board, and authenticated with the seal of said board, and shall express upon their face the purpose for which they were issued, and there shall be attached thereto interest coupons calling for the payment of the interest semi annually from the date of said bonds.

Purpose of issue
to be expressed
on bonds.

Special tax for
interest and
principal.

SEC. 4. That the commissioners of Sampson county are hereby authorized and required, at the time of levying other county taxes, to levy annually an additional special tax, sufficient in amount to pay the interest upon said bonds, and so much of the principal of said debt as may fall due during the next succeeding year after such levy, together with the cost and charges incident to said tax, and to provide a sinking fund for said debt upon all subjects of county taxation in said county as aforesaid, until the final payment of said bonds shall be provided for, maintaining the constitutional rates of taxation between the tax upon property and the polls: *Provided*, such levy shall in no year exceed twenty five cents on the poll and eight and one-third cents on the one hundred dollars' worth of property.

Rate.

Tax to be col-
lected by sheriff
and paid over as
other county
taxes.

SEC. 5. That said taxes shall be collected by the sheriff of said county, whose bond shall be liable therefor as for other county taxes, and he shall pay over the same to the county treasurer in like manner as other county taxes are paid.

Treasurer's bond
to be liable for
tax.

SEC. 6. That said treasurer shall receipt for said taxes, and be liable upon his official bond for said taxes as for other taxes, and shall use the same for the payment of said bonds and interest when due and payable, and the funds arising from said taxes over and above the costs and charges incident thereto shall be applied to no other use than the payment aforesaid.

Tax to be used
only in payment
of bonds and
interest.

Sinking fund.

SEC. 7. The said board of commissioners may in their discretion establish a sinking fund for the payment of the principal of said bonds, and may invest from time to time, and keep invested, the money belonging to the sinking fund, when not available for the payment of said bonds.

Bonds subject to
call after five
years.

SEC. 8. The said board of commissioners shall have the right and power to call in and pay off the said bonds, or any of them, from time to time, and at any time after the expiration of five years after their respective dates; and when the said board shall determine so to call in and pay any of said bonds, it shall be publish at least once a week for four successive weeks, in some newspaper of this state, a notice giving the number, dates and amounts of said bonds to be called in, and the day and place, when and where they will be paid on presentation, which said day shall not be less than thirty (30) days from the first publi-

Nature of call.

cation of said notice, and all interest upon the bonds named and mentioned in such notice, so published, shall cease and stop from and after the day set for and appointed, as aforesaid, for the payment of the same.

SEC. 9. That said coupons shall be receivable for all county taxes.

Coupons receivable for county taxes.

SEC. 10. That the clerk of said commissioners shall keep a book in which he shall keep an account of the number and denomination of said the bonds issued, as aforesaid, and the persons to whom the same are payable; said clerk shall also keep an accurate account of the bonds and coupons attached to said bonds, which shall be paid, taken in or otherwise cancelled, so that by inspection of said books the true status of the bonded debt of said county, herein provided for, may be readily ascertained; said book shall at all times be open to the inspection of any tax-payer of said county.

Clerk to keep record of bonds.

SEC. 11. That as soon as said bonds are issued, signed and countersigned, as hereinbefore provided, the said commissioners shall place the same in the hands of the said treasurer of said county, who shall countersign the same and deliver them to such purchasers upon their compliance with such terms as may be designated by said board of commissioners, by order directed to said treasurer, and said treasurer shall make out and return to the said commissioners an accurate account of the number and denomination of said bonds and when delivered, and the said treasurer shall receive all proceeds of the sale and disposal of said bonds, hold said proceeds subject to the order and direction of said board, and be responsible for the safe custody and keeping of said proceeds, as by law it is now provided he shall be and is responsible for the custody and keeping of the moneys of said county as the treasurer thereof.

How bonds delivered to purchasers.

Returns of treasurer. Treasurer to receive and hold proceeds of bonds.

SEC. 12. That this act shall be in force from and after its ratification.

Ratified the 5th day of March, A. D. 1897.

CHAPTER 330.

An act regulating and restricting the manufacture and sale of liquors in Haywood county.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person, corporation or firm to sell or otherwise dispose of for gain or profit any spirituous, vinous or malt liquors or other intoxicating bitters in the county of Haywood except through the dispensary, in

Unlawful to sell liquor except through dispensary.

Proviso:
Not to forbid
sales by drug-
gist on prescrip-
tion.

Unlawful to
manufacture any
liquor.

Except brandy
from fruit.

Proviso:

Manufacture not
to be within one
mile of incorpo-
rated church,
school house or
academy.
Brandy to be sold
only to commis-
sioners of dispen-
sary or outside
county and not
less than five
gallons.

Violation of this
act a misde-
meanor.
Penalty.

Repealing
clause.

Repealing
clause.

Bankers and
officers and
directors of
banks and other
corporations to
take oaths.

the manner provided for in chapter 331, private laws of 1895 : *Provided*, that this act shall not be construed to forbid the sale of such spirituous, vinous or malt liquors by a druggist for sickness upon the written prescription of a regularly practicing physician having such sick person under his charge.

SEC. 2. That it shall be unlawful for any person, corporation or firm to manufacture for gain or profit any spirituous, vinous or malt liquors or other intoxicating bitters within the said county of Haywood, except the manufacture of fruit into brandy, which is hereby authorized : *Provided, however*, that the same shall not be manufactured within one mile of any incorporated church, school house or academy, but such person, corporation or firm shall not sell or in any wise dispose of such fruit brandy except to the commissioners of the Waynesville dispensary or licensed dealers outside of the county, and then only in packages containing 5 gallons or more.

SEC. 3. That any person, corporation or firm violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned or both for each and every offence at the discretion of the court.

SEC. 4. That chapter 428, public laws of 1893, and all other laws in conflict with this act be and the same are hereby repealed.

SEC. 5. That chapter 32, 2d vol. of *The Code*, so far as the same relates to this act, be and is hereby repealed.

SEC. 6. That this act shall take effect from and after its ratification.

Ratified the 5th day of March, A. D. 1897.

CHAPTER 331.

An act to require all bankers or officers and directors of railroads and state banks, or other corporations created or chartered by the General Assembly of North Carolina, to take an official oath.

The General Assembly of North Carolina do enact :

SECTION 1. That all bankers or officers and directors of banks, railroads and other corporations, incorporated and doing business in the state, under the authority of the state, shall, before entering upon their duties as such officers and directors, or before beginning the business of banking, take an oath to observe and obey the constitution and laws of North Carolina, and to well and truly discharge, according to law, all the duties of their offices.

SEC. 2. That it shall be the duty of the state treasurer to prepare a form of oath, in accordance with the foregoing provisions, and transmit copies of the same to the president of each and every one of the said corporations, and to every banker in the state, on or before the first day of January of each year.

State treasurer prepare forms and transmit copies.

SEC. 3. That it shall be the duty of said bankers, or officers and directors, to duly qualify and subscribe to the said oath before some person authorized by law to administer oaths in this state, and cause the same to be transmitted to the said state treasurer on or before the first day of February in each year.

Officer to take and subscribe oath and transmit same to state treasurer.

SEC. 4. That any of the said bankers, officers and directors, who shall fail to observe the provisions of this act, shall be guilty of a misdemeanor and upon conviction shall be fined, or imprisoned, or both, at the discretion of the court.

Bank directors or officers failing to comply guilty of misdemeanor. Penalty.

SEC. 5. That the provisions of this act shall apply to officers and directors of railroads, state banks, and other corporations as aforesaid, now in office, and to all parties doing a banking business, and they shall be required to take and subscribe to said oath, on or before the first day of July, one thousand eight hundred and ninety-seven (1897), and said treasurer shall be required to duly forward blanks for said oaths, on or before the first day of June, one thousand eight hundred and ninety seven (1897).

To whom act shall apply.

When treasurer to forward forms.

SEC. 6. This act shall take effect from and after its ratification.

Ratified the 5th day of March, A. D. 1897.

CHAPTER 332.

An act to authorize the state treasurer to refund to the eastern band of Cherokee Indians the sum of two hundred dollars.

WHEREAS, An act was passed and ratified by the eastern band of Cherokee Indians in council assembled on the 11th day of February, 1896, offering a reward of one hundred dollars for the arrest each of W. H. Baker and Mat. Rose, who, together with a negro by the name of Serge Reeder, were charged with the killing of a Cherokee Indian by the name of Moses Wilnoti in Swain county, N. C., on or about the 4th day of February, 1896; and, whereas, A. C. Patterson arrested W. H. Baker and delivered him to the keeper of the common jail of Swain county, N. C., and has been paid the said reward of one hundred dollars by said Cherokee Indians, and J. F. Teague, sheriff of

Preamble.

Swain county, caused the said Mat. Rose to be arrested in Blount county, Tennessee, and delivered to the keeper of the common jail of Swain county, and while the said Cherokee Indians have incurred the liability to pay him the one hundred dollars reward aforesaid, but no part of the same has been paid; and, wherease, the said W. H. Baker, Mat. Rose and Serge Reeder were duly arraigned and tried at spring term, 1896, of the superior court of Swain county for the killing of the said Indian, and convicted of manslaughter and sentenced to the penitentiary for terms ranging from eight to fifteen years; and, whereas, the said Indians are citizens of this state and large tax-payers in Jackson, Swain, Graham and Cherokee counties, and it is a duty incumbent upon the state to protect the persons and property of said Indians and bring offenders who murder said Indians to justice; now, therefore,

The General Assembly of North Carolina do enact:

State treasurer
to pay on order
of chief of band.

SECTION 1. That the state treasurer be and he is hereby authorized to pay to the eastern band of Cherokee Indians upon the order of the chief of said band the sum of two hundred dollars for the purpose of refunding to said Indians the amount so expended and the liability so incurred by said Indians for the arrest of said W. H. Baker and Mat. Rose.

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

Ratified the 5th day of March, A. D. 1897

CHAPTER 333.

An act to prohibit taking clams in the waters of Brunswick county for market between April 15th and November 15th.

The General Assembly of North Carolina do enact:

Unlawful to take
for market or
pound or bed
clams between
dates named.

SECTION 1. That it shall be unlawful for any person or persons to take clams from the waters of Brunswick county for market, or for any person or persons to pound or bed any clams in any of said waters between the 15th day of April and the 15th day of November of any year. Any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and shall be fined not more than twenty-five dollars or imprisoned for 30 days, for each and every offence.

Persons violat-
ing guilty of
misdemeanor.

Penalty.

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

Ratified the 5th day of March, A. D. 1897.

CHAPTER 334.

An act to amend section 1255 of The Code.

The General Assembly of North Carolina do enact:

SECTION 1. That section 1255 of *The Code* of North Carolina be amended by striking out after the word "provided" in line six thereof and before the word "nor" in line seven the words, nor for material furnished such incorporations: *Provided*, that this act do not apply to existing suits.

Mortgage good
against claims
for materials
furnished.

Ratified the 5th day of March, A. D. 1897.

CHAPTER 335.

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

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of paying off and discharging debts now standing against the county of Halifax the board of commissioners of said county are hereby authorized and empowered to levy a special tax, not to exceed five cents on the hundred dollars' worth of taxable property in said county and fifteen cents on the poll, for the years eighteen hundred and ninety-seven and eighteen hundred and ninety-eight.

Purpose of tax.

Special tax
authorized.
Rate.

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

Ratified the 5th day of March, A. D. 1897.

CHAPTER 336.

An act to provide for the better drainage of the lowlands on Carter's creek in Davie county.

The General Assembly of North Carolina do enact:

SECTION 1. That G. T. Tucker, J. R. Williams, W. T. S. Myers, J. A. Hege, and T. J. Ellis, in the county of Davie, be appointed commissioners for Carter's creek, in said county, from the southern boundary of the land of J. H. Hanes, and George Fry, above J. H. Hane's mill, up said creek to the northern boundary of D. S. Tucker's heirs and Math Markland's lands, 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 cleaning

Commissioners
named.

Boundary of
drainage dis-
trict.

Commissioners
to select overseer
and employ
hands.

out straightening and deepening said creek so as to better drain the lowlands through which it runs between the boundaries above designated.

Chairman and treasurer.

Vacancies.

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 Davie shall appoint to fill such vacancies upon the application of any person interested.

Commissioners to estimate bottom lands and levy assessment.

Rate of assessment.

Report to be made and filed.

Report to be filed and notice given.

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 landowners 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 Davie county, who shall file the same among their records, and spread the same upon their minutes.

Exceptions to report. County commissioners to revise assessment.

Revised assessment list to be delivered to sheriff. List in hand of sheriff a lien on bottom lands. Sheriff to collect assessment.

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 by 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 Mocksville, 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 Davie for collection, said list, when so placed in the hands of the sheriff, to be a lien on the bottom lands of such landowner as may be assessed under the provisions of this act.

Powers and remedies. Compensation.

Amount collected paid over to creek commissioners.

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 (60) 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 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.

How used.

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.

Records and accounts of creek commissioners.

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 assessments, 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 same 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 that the balance only of said assessment, after deducting the allowance for said work, shall be a lien upon his bottom lands.

Work in lieu of money payment of assessment.

SEC. 8. That all land owners on the tributaries of said creek shall spend one day in the spring and one day in the fall of each year for the purpose of stopping washes and drains and damming and filling up gullies to prevent the inflowing of sand in said tributaries; that any person or persons who shall wilfully and knowingly fell any timber, or any land owner to allow any drift on his land to remain in said creek between said boundaries, or otherwise obstruct the same, and shall allow the same to remain therein for the space of five (5) 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 five (\$5.00) 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.

Duty of persons owning lands on tributaries of creek.

What acts to be a misdemeanor.

Penalty.

Commutation of penalty.

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,

Further powers of commissioners.

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.

SEC. 10. That this act shall be in force from and after its ratification.

Ratified the 5th day of March, A. D. 1897.

CHAPTER 337.

An act to levy a special tax in school district No. 1, Wake Forest township, Wake county.

The General Assembly of North Carolina do enact :

Special tax
authorized.

SECTION 1. That the board of county commissioners of Wake county be, and are hereby authorized to levy a special tax in school district No. 1, Wake Forest township, Wake county, not to exceed in any one year 10 cents on the one hundred dollars valuation of real and personal property, and 30 cents on the poll for the year 1897, and every year thereafter until at least one thousand dollars shall have been collected.

Rate.

Amount to be
collected.

How tax used.

SEC. 2. That the special tax herein provided for shall be used only for the purchase of a lot (not less than one acre) and the building of a public school house for the white race in said district No. 1.

To be levied as
other taxes.

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

To be collected as
other school
taxes.

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

How money to
be paid out.

SEC. 5. That the treasurer of Wake county shall, upon the warrant of the school committee of district No. 1, in Wake Forest township, pay out the money in his hands for the special purpose herein provided for.

Election to be
held.

SEC. 6. That the board of county commissioners of Wake county shall order an election to be held in the town of Wake Forest on the first Monday in May, 1897, for the purpose of ratifying or rejecting this act, and under the same conditions and regulations that the officers of the town of Wake Forest are elected. Those favoring the special tax herein provided shall

vote a ballot upon which is written or printed the word "Rati- Ballots.
fication," and those opposing shall vote a ballot upon which
is written or printed the word "Rejection." If a majority of
the votes cast shall be for ratification, the mayor of the town
of Wake Forest shall immediately certify to the commissioners
the result, whereupon said commissioners shall levy the said
special tax herein provided for. Duty of mayor of
Wake Forest.
Duty of county
commissioners.

SEC. 7. That all voters in the school district No. 1 shall reg- Registration.
ister in the town of Wake Forest for the purpose of this elec-
tion, under the laws and regulations now required by law for
elections to be held in said town.

SEC. 8. That this act shall be in force from and after its ratifi-
cation.

Ratified the 5th day of March, A. D. 1897.

CHAPTER 338.

**An act for the relief of C. M. Pace, clerk of the superior court
of Henderson county.**

The General Assembly of North Carolina do enact:

SECTION 1. That C. M. Pace, clerk of the superior court of
Henderson county, be allowed to absent himself from his office
of clerk on the second Monday in March, 1897, and be exempt
from the provisions, penalty and liability mentioned in section
114 of *The Code*: *Provided*, said clerk shall have a competent
deputy to attend his office on said occasion, and perform all
duties authorized to be performed by said deputy. Allowed to be
absent from
office on day
specified.
Proviso:
Deputy.

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

Ratified the 5th day of March, A. D. 1897.

CHAPTER 339.

**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 (1893).**

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 striking out and omitting the following words
from the second section thereof, to-wit: "Nor shall the pro-
visions of this act apply to railroads chartered prior to January
first, eighteen hundred and sixty-eight." Exemption of
certain railroads
stricken out.

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

Ratified the 5th day of March, A. D. 1897.

CHAPTER 340.

An act to incorporate the Winston-Salem south bound railway company.*The General Assembly of North Carolina do enact :*

Corporators.

SECTION 1. That F. H. Fries, J. W. Fries, W. A. Lemly, Lindsay Patterson, A. E. Holton, C. A. Reynolds, E. B. Jones, J. C. Buxton, C. H. Fogle, James A. Gray, R. J. Reynolds, John W. Hanes, H. E. Fries, C. B. Watson, and such other persons as may be associated with them, are hereby created and declared a body politic and corporate with perpetual succession under the name and style of the "Winston-Salem South Bound railway company;" and in that name may sue and be sued, plead and be impleaded, in any court of this state, to contract and be contracted with; shall have power to adopt a common seal and to change the same at will, and shall be capable of taking by purchase, gift or any other way, real and personal property, and holding, leasing, conveying or in any other manner dealing with the same for any of the purposes hereinafter enumerated, and the said corporation shall have and enjoy all the rights and immunities which corporate bodies may lawfully exercise, and may make all necessary regulations for its government not inconsistent with the laws of the United States or the state of North Carolina. It may build branch roads from any part of its main line not exceeding fifty miles in length.

Branch roads.

Railroad and telegraph line.

Beginning point.

Route.

SEC. 2. Said company, upon organization as herein provided for, shall have power to construct, maintain and operate a railroad and telegraph line from Winston-Salem, North Carolina, through the counties of Forsyth, Davidson, Davie, Guilford, Randolph, Montgomery, Rowan, Stanly, Cabarrus, Mecklenburg, Union and Anson, and through any parts of either of said counties, to the South Carolina line.

Capital stock.

SEC. 3. The capital stock of said railway company shall not exceed three millions of dollars, to be divided into shares of one hundred dollars each. Each share subscribed shall be entitled to one vote in all the meetings of the stockholders of said company; and fifteen thousand dollars shall be the minimum subscription on which said company may be organized.

Minimum subscription for organization.

Books of subscription.

SEC. 4. That said incorporators shall have the power to open books of subscription in person or by agents duly appointed by a majority of them at such place or places as they may determine and to keep the same open for such time and under such rules and regulations as may be deemed necessary or expedient.

And said incorporators may, when they deem proper, after twenty days' notice to the subscribers, call together the subscribers of said shares of stock at any place in or out of the state; and said subscribers shall then complete the organization of said company by electing a board of directors and such officers as they may see fit; and at such meeting and all other meetings of the stockholders of said company each share of stock shall be entitled to one vote, which may be cast by the owner of said share or by his proxy; and the said directors shall thereupon proceed to elect one of their number president and to elect such other officers as the by laws of said company prescribe; and may do and perform all other acts necessary to complete the organization of said company and to carry into effect the objects of this charter in accordance with the direction of the stockholders. The directors elected shall serve such period, not exceeding one year, as the stockholders may direct, and the stockholders shall fix the time and place of meetings. Said stockholders' meetings to be annually, but if the day of annual election of directors should, under any circumstances, pass without an election, the corporation shall not thereby be dissolved, but the directors formerly elected shall continue in office until a new election shall take place.

Meeting for organization.

Directors and officers.

President.

Term of office of directors.

Stockholders' meetings.

SEC. 5. The election of directors shall be by ballot, each stockholder having as many votes as he has shares in the stock of the company, and the person receiving the greatest number of votes shall be duly elected directors, and at all elections and upon all votes when at any meeting of the stockholders each share of stock shall be entitled to one vote, to be represented either in person or by proxy, and the proxies may be verified in such manner as the by-laws of the corporation prescribes.

How directors elected.

Verification of proxies.

SEC. 6. The board of directors may fill any vacancies that may occur in it during the period for which they have been elected.

Directors to fill vacancies in board.

The president of the company and a vice-president shall be annually elected by the directors from among their number in such manner as the regulations of the company shall prescribe, and shall hold their offices until their successors shall be elected. The secretary and treasurer shall also be elected by the directors and may be one and the same person.

President and vice-president.

Terms of office. Secretary and treasurer.

In the absence of the president or secretary at any meeting of the directors, they may appoint a president and secretary *pro tempore* to fill his place, except when the vice-president is present, and in that case the vice-president shall act.

President and secretary *pro tempore*.

SEC. 7. The company shall issue certificates of stock to its

Issue and transfer of stock.

Powers of company in relation to other companies.

members, and said stock may be transferred in such manner and form as may be directed by the by-laws of the company.

SEC. 8. The said company shall have power to take by purchase, lease, or otherwise the railroad franchises and property of any other railroad now constructed or that may hereafter be constructed in this state or elsewhere. It shall have power to consolidate its franchises and property with any other road under such name as shall be agreed upon. It may assign or lease its property and franchises or any part thereof to any other railroad, and the road so leasing or purchasing this road shall hold, own, and enjoy all the property and franchises so leased or purchased as though they had been originally held and constructed by the railroad so leasing or purchasing; and the road so purchasing or leasing shall be entitled to all property, franchises, privileges and immunities belonging to or pertaining to the road created by this act. Any of the powers and privileges conferred and authorized by this section may be exercised and effected by the directors of the companies concerned in such manner and on such terms as the stockholders of each company may determine. The said company may subscribe to the capital stock of any other corporation now in existence or hereafter projected in this state or elsewhere and hold shares in the same.

Power to use part of road before completion of whole.

It shall have power to use any section or portion of its road before the whole of the same shall have been completed, and charge for transportation of passengers and freight thereon.

Power of company to cross public road and other roads.

Proviso:
Company to construct public road in place of one taken by it.

SEC. 9. The said company shall have the right when necessary to construct their said road across any public road or other railroad or alongside of any other public road, provided said company shall not obstruct any public road without first constructing one equally as good and convenient as the one taken by the company and which has been accepted by the board of county commissioners.

Power of company to condemn land for corporate purposes.

SEC. 10. Whenever from any cause the said railroad company cannot agree with the owners of the land over which the railroad shall go for the purchase of the land for the right of way and depot purposes the said company may file a petition before the clerk of superior court of the county wherein the land lies, specifying the object for which the land is desired, with a description of plot thereof. The clerk of the superior court shall thereupon appoint five disinterested freeholders, who shall be summoned by the sheriff to meet on the premises at a time not more than ten days after the appointment and assess the damages of the land taken.

Procedure for condemnation.

In assessing the damages the appraisers shall take in consid-

eration the actual value of the land, together with any special damages likely to accrue to the owner, and likewise shall consider any special or general benefit which the owner may derive from the location of the road. If the consideration shall be for the way only, the consideration shall extend only to the right of way, but if for depot or building purposes the consideration shall be in fee. The appraisers shall make their report to the clerk of the superior court within ten days from the time of their meeting on the premises; said report shall be recorded in the office of the register of deeds, after approval by the clerk and payment of damages assessed and shall have the force and effect of a deed. Either party may appeal to the superior court in time for the approval or disapproval of the clerk, which appeal must be prayed within ten days from the approval or disapproval of the clerk.

Report to be made and recorded.

Right of appeal.

SEC. 11. The right of said company to condemn and take land under this act shall be limited to the space of fifty feet on each side of their road bed, measuring from the centre of the same, except for depot and warehouses they may condemn not exceeding two acres in any one place, and in all cases where land or rights of way have been condemned, and where the owner shall petition for assessments of damages within two years from condemnation and occupation, and not after, except in case of legal disabilities, and in such cases within two years from the removal of such disabilities.

Extent of land to be condemned.

When petition for assessment of damages to be filed.

SEC. 12. That any county, township, city or town along or near the line of said road may subscribe to the capital stock of the said company in the following manner: Upon presentation in writing signed by not less than one hundred freeholders and resident tax payers of the county, township, city or town to the board of county commissioners of said county, or to the proper authorities of said city or town, requesting them to submit to the qualified voters of the county, township, city or town where said petitioners may reside, a proposition to subscribe a definite sum named in said petition to the capital stock of said company, the board of commissioners of said county or proper authorities of said city or town shall within thirty days order an election to be held in such county, township, city or town, and submit to the qualified voters therein the question of subscribing to the capital stock of said company the amount specified in said petition; at which election all those qualified to vote who are in favor of such subscription shall be written or printed the words "for subscription" and those opposed to such subscription shall vote a ballot on which shall be written or printed the words "against subscription," and the election

Municipal corporations may subscribe to stock.

Petition to be filed.

Election to be held.

Ballots.

How election conducted.

for this purpose shall be conducted in the same manner and subject to the same rules and regulations as are provided for the election of county officers by the general election laws of the state of North Carolina; such election shall be held after thirty days' notice thereof shall have been given, specifying the amount of the proposed subscription posted at the court house door of said county, and at every polling place of said county, township, town or city where the said election shall take place, and the returns thereof shall be made to the board of commissioners of said county or proper authorities of said city or town.

Notice of election.

When subscription to be made.

SEC. 13. If a majority of the qualified voters vote for subscription, then the board of commissioners of said county or proper authorities of said city or town shall immediately make such subscriptions and shall issue coupon bonds to the amount of said subscription in order to pay the same, and the bonds shall upon the face indicate on account of what county, township, city or town they are issued.

Bonds to be issued.

Denominations.

They shall be in denomination of not less than one hundred dollars and not more than one thousand dollars each, and shall run for said number of years and bear such rate of interest as the petition and order of election shall indicate.

Special tax for interest on bonds.

SEC. 14. The county authorities in any county voting for subscription, or in which there is a township voting for subscription, or the proper authorities in a city or town voting for subscription, who are legally empowered to levy taxes in order to provide for payment of the bonds authorized to be issued by the preceding section, shall compute and levy each year, at the time of levying other taxes, a sufficient tax upon the property and polls in said county, township, city or town to pay the interest on the bonds issued on account of such county, township, city or town, and shall also levy a sufficient tax to create a sinking fund to provide for payment of said bonds at maturity.

Special tax for sinking fund.

To be collected as other taxes.

The taxes levied as above shall be annually collected as other taxes, and shall be paid by the collecting officer of such county, township, city or town to the treasurer thereof, and the taxes levied and collected for these purposes shall be kept distinct from all other taxes, and shall be used for the purpose for which it was levied and collected and for no other. The sinking fund shall be invested as may be directed by the board of commissioners of said county, or by the proper authorities of such city or town issuing such bonds.

To be kept distinct from other taxes and used solely for the purpose for which levied.

Power of company to issue bonds and secure payment of same.

SEC. 15. It shall be lawful for the said Winston-Salem south bound railway company, chartered by this act, to issue coupon bonds in such denominations, and running for such a time, and having interest at such a rate, and payable at such time and

places as the board of directors may direct, to be sold or hypothecated by the direction of said company, and to secure payment of the same the company is authorized to execute a mortgage to such person or corporation as the company may select, on all real and personal estate of said company, together with all its franchises and privileges; or in case the road be divided and built in sections, which the said company is authorized to do, such mortgage may be placed upon such separate sections, and in such manner as the company may direct; and it is hereby provided that the registration of any mortgage provided to be executed in this section may be made in Forsyth county, and upon registration in Forsyth county it shall be a lien on such property and franchises conveyed in such mortgage as fully and completely as if the same was registered in each and every county through which the road passes.

Mortgage may be placed on separate sections of road.

Registration of mortgage.

SEC. 16. That the board of directors of the penitentiary may, on the application of the president of said company, approved by the governor, turn over to said company convicts not otherwise appropriated, not less than two hundred and fifty in number, to be worked in construction of said road on such terms as may be agreed upon. The said convicts to be guarded and superintended by the authorities of the penitentiary, and be hired to said company as provided by law.

Convicts may be worked in construction of road.

SEC. 17. That the stockholders of said company, with the private citizens or other corporations, public, private or municipal, shall not be personally liable for the debts of said company.

Stockholders not personally liable.

SEC. 18. This act shall be in force from and after its ratification.

Ratified the 5th day of March, A. D. 1897.

CHAPTER 341.

An act to make the clerk of the superior court of Robeson county *ex officio* clerk of the circuit criminal court of said county.

The General Assembly of North Carolina do enact:

SECTION 1. That the clerk of superior court of Robeson county shall be *ex officio* clerk of the circuit criminal court for said county.

Clerk of Superior Court *ex officio* Clerk of Criminal Court.

SEC. 2. That all laws and clauses of laws in conflict herewith be and the same are hereby repealed.

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

Ratified the 5th day of March, A. D. 1897.

CHAPTER 342.

An act to amend chapter one hundred and ninety-five (195) of the public laws of 1895, concerning Wake county superior court.

The General Assembly of North Carolina do enact:

Additional term
of court.

For civil and
criminal cases.
Civil and final
process returna-
ble.
No jury trials in
civil actions
except by con-
sent or default.

Criminal docket
disposed of
before jury civil
cases tried.

Other civil busi-
ness.

SECTION 1. That chapter one hundred and ninety-five (195) of the public laws of 1895, be and the same is amended to read as follows: "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, for the trial of civil and criminal causes, and all civil and final process may be made returnable thereto, but there shall be no jury trials in civil causes except by consent of the parties plaintiff and defendant thereto, and also where the defendant fails to appear in person or by attorney to oppose the action."

SEC. 2. The criminal docket shall first be disposed of before any civil cause requiring the intervention of a jury is tried; but nothing in this section shall be construed to prevent the judge presiding from transacting all other civil business not requiring a jury as herein provided before the criminal docket has been disposed of.

SEC. 3. All laws inconsistent or in conflict with this act are repealed.

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

Ratified the 5th day of March, A. D. 1897.

CHAPTER 343.

An act to establish graded schools in the town of Washington.

The General Assembly of North Carolina do enact:

Town of Wash-
ington made a
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 a school district for white and colored children.

Question of tax
for support of
schools to be
submitted to
voters at May
election.

SEC. 2. That the commissioners of the town of Washington are hereby required to submit to the qualified voters of the 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 public schools in the said town.

SEC. 3. That such election shall be held under the same rules and regulations as govern the elections for the municipal officers.

Rules and regulations for election.

SEC. 4. That at the election held under the provisions of this act those favoring the levying of such a tax shall vote a written or printed ballot with the words *For Schools* upon it, and those opposed to the levying of such a tax shall vote a written or printed ballot with the words *Against Schools* upon it.

Ballots.

SEC. 5. That if a majority of the qualified voters shall vote at said election in favor of levying such tax, it shall be the duty of the board of commissioners of the town of Washington and their successors to levy annually a special tax of not more than twenty cents on the hundred dollars valuation of all the taxable property in the said town and of sixty cents on the poll; and such taxes shall be due and collected annually by the town tax collector as and at the same time that other taxes are due and collected.

Special tax to be levied if majority of voters vote in favor of it.

Rate.

Tax to be collected as other taxes.

SEC. 6. That if a majority of said qualified voters do not vote in favor of said special tax, other elections shall be held under the provisions of this act upon the petition of one-fifth of the qualified voters of the said town of Washington: *Provided*, that such elections shall not be held oftener than once a year.

How further elections held if tax not voted for.

Proviso: Not oftener than once a year.

SEC. 7. That the taxes levied and collected under the provisions of this act shall be applied exclusively to the support and maintenance of the public schools of the town of Washington. Said taxes shall be paid over by the said tax collector to the treasurer of the said town, which officers shall give bonds, the former for the collection and the latter for the safe keeping and proper distribution of the said special taxes and of any other funds that may come into his hands for the use of the said public schools. Said treasurer shall keep said school taxes and 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 public school committee of the public schools of the said town of Washington.

Tax money applied solely to use of public schools.

Bonds of tax collector and treasurer.

Tax money to be kept separate. How paid out.

SEC. 8. That the public school committee of the said public schools shall consist of nine members, six of whom shall be of the white race and three of whom shall be of the colored race. They shall be elected by the board of town commissioners of the said town of Washington at the first regular meeting of the said board of commissioners held after the municipal election in May, next, and shall hold office from date of election.

Public school committee. Six of white race and three of colored race.

Elected by town commissioners.

The said three members from the colored race shall be nominated by the colored members of the board of town commissioners, and no one not so nominated shall be elected a member

Colored members of school committee to be nominated by colored town commissioners.

School committee to be divided into classes.
First class.

Second class.

Third class.

Vacancies filled by town commissioners.

Public school committee incorporated.
Corporate name.

Corporate powers.

Powers over schools and school property.

Duty of committee as to establishing schools and use of funds.

of the public school committee from the colored race. The said board of commissioners shall, by ballot, divide the said public school committee into three classes of three each; the members of the first class shall hold office for a term of two years from date of election; the members of the second class shall hold office for a term of four years from date of election, and the members of the third class shall hold office for a term of six years from date of election.

All vacancies occurring in said public school committee shall be filled by the said board of town commissioners for terms of six years each except in cases of death or resignation in which cases the vacancies shall be filled only for the unexpired terms of the members dying or resigning.

SEC. 9. That the said public school committee, their associates and successors, are hereby created a body politic and corporate under the name of the "Washington Public School Committee" and shall be empowered to do all acts necessary for the proper maintenance of the public schools of the said town of Washington; it shall have entire and exclusive control of the public school interests and property of the town of Washington, and shall fix and describe rules and regulations for their own government and for the conduct of the said public schools not inconsistent with this act.

SEC. 10. That it shall be the duty of the said Washington public school committee to establish and maintain separate graded public schools for the white and the colored children of the said town of Washington, and to appropriate all the funds derived from the special taxes hereinbefore provided and from all other sources for the public schools of the said town, so as to give equal school terms and equal school facilities to the two races.

SEC. 11. That the money which may from time to time be collected and apportioned for public school purposes under the general school law for the children of the town of Washington shall be applied to keeping up said public schools of the said town, under the order and direction of the said Washington public school committee.

SEC. 12. That should the said public school committee at any time deem the amount of tax provided in this act insufficient for the needs of the public schools of the town of Washington, the board of commissioners of the said town shall, upon a petition from the said public school committee, order an election to decide whether an additional tax shall be levied, said election to be held under the same rules and regulations as the election provided for in sections 2, 3 and 4 of this act, except that

the ballots voted shall have written or printed on them : *For additional school tax* and *Against additional school tax*, and the funds derived from these additional taxes shall be collected and distributed in the same way as the funds derived from the special tax provided for in this act are collected and distributed.

SEC. 13. That the said public school committee shall make to the board of commissioners of the town of Washington annually at the end of each school year a report containing an accurate census of the school population of the town, and showing the work done and the money expended under their direction in the town of Washington on account of the said public schools; a copy of which report shall be forwarded to the superintendent of public instruction of the state and another shall be given to the county board of education. (Board of county commissioners.)

Report of school committee.

What to contain.

Copies to be forwarded.

The beginning and the end of the school year shall be fixed by the said committee, and they shall take annually an accurate census of all the children in the town of Washington between the ages of six and twenty one.

School year.

School census.

SEC. 14. That the property both real and personal now belonging to school district No. 22 (white) and school district No. 11 (colored) in the county of Beaufort shall become the property of the public schools provided for in this act and shall be vested in said Washington public school committee and their successors, in trust for said public schools: *Provided*, that in the event of the discontinuance of said public schools all of the property now belonging to school district No. 22 (white) shall revert to and again become the property of said district No. 22 (white), and all of the property now belonging to school district No. 11 (colored) shall revert to and again become the property of said district No. 11. (colored).

School property vested in public school committee.

Proviso:
On discontinuance of schools property to revert.

SEC. 15. That Chapter 177 of the private laws 1895, and all other acts and clauses of acts in conflict with this act, are hereby repealed.

Laws repealed.

SEC. 16. This act shall be in force from and after its ratification.

Ratified the 5th day of March, A. D. 1897.

CHAPTER 344.

An act to provide for laying out and constructing a public road from Gambille's school house to the Virginia line.

The General Assembly of North Carolina do enact:

Commissioners
named to review
road and make
changes and
alterations.

SECTION 1. That R. F. Gambille and Wm. Anders of the county of Alleghany, are hereby appointed commissioners to review the public road from Gambille's school house, crossing New river by way of John Gambille's to the Virginia line, and to make such changes and alterations as they may deem expedient and proper to improve the grade of said road between Gambille school house and the Virginia line. The review and location shall be made by way of John Gambille's.

Commissioners
to report.

SEC. 2. That after discharging their duty under this act the said two (2) commissioners shall make a report to the county commissioners in detail of their work, and said commissioners shall pay said road commissioners for all time spent in locating said road, not to exceed one (\$1.00) dollar per day, when said report is filed.

County commis-
sioners to call
out hands.

SEC. 3. That the board of county commissioners shall have power and it shall be their duty to call out the hands living within one mile by straight line of said road or any part thereof to aid in opening and making said road according to the alteration of said commissioners, and the said county commissioners shall appoint overseers on said road. The said two (2) commissioners appointed herein to review said road may adopt any part of said road they may see proper, and the road shall be twelve (12) feet wide, and not to be over four (4) degrees on any portion of the grade.

County commis-
sioners to appoint over-
seers.

Description of
road.

When road to be
opened.

SEC. 4. That the said road shall be laid off, made and opened by the first (1st) day of June, one thousand eight hundred and ninety-seven (1897), and when the said road is completed according to the provisions of this act, it shall be the duty of the county commissioners to review the same and appoint overseers and assign hands on the same to keep it in repair.

County commis-
sioners to receive
road, appoint
overseers and
appoint hands.

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

Ratified the 5th day of March, A. D. 1897.

CHAPTER 345.

An act to incorporate the Lumber river railroad company and amend the charter of the town of Hub in Columbus county (chapter 101, private laws 1891).

The General Assembly of North Carolina do enact:

SECTION 1. That E. B. Wright, A. B. Anderson and E. K. Proctor, Jr., their associates, successors and assigns, be and they are hereby constituted a body politic and corporate under the name of "The Lumber river railroad company," and under that name and style they and their successors and assigns shall have succession for fifty years; and shall have power in their corporate name to sue and be sued, appear, prosecute and defend to final judgment and execution in any courts of competent jurisdiction in this state or elsewhere; shall have a common seal which they may use and alter at pleasure, and they and their successors and assigns, under the said corporate name and style, shall have power to purchase, hold and convey any lands, tenements, goods and chattels whatsoever necessary or expedient to the purpose and object of the said corporation; they shall have power to make such by-laws and regulations for their own government and for the due and orderly conducting of their affairs and the management of their property as may be deemed necessary.	Corporators. Corporate name. Term of corporation. Corporate powers. Power to hold real estate. By-laws.
SEC. 2. That the said company is hereby authorized and empowered to lay out, construct, equip, maintain and operate a railroad in this state, with one or more tracks, with the necessary cars and fixtures, from Hub in Columbus county, N. C., to Red Springs, N. C., or Fayetteville, N. C., or to any point on the Cape Fear and Yadkin Valley railroad in Robeson or Cumberland counties between said points; and the said company may, in its discretion, construct and operate any part of its road before the whole thereof shall be completed, and may establish such gauge as it may think proper.	Power to build railroad. Beginning point. Alternative termini. May operate part of road before completion of whole. Gauge.
SEC. 3. That the capital stock of said company shall be twenty-five thousand dollars, with the privilege and power of increasing the same to one hundred and fifty thousand dollars, divided into shares of one hundred dollars each. The capital stock of said company shall be raised by subscription, on the part of individuals, municipal or other corporations, and such subscriptions may be paid in money, labor, land, material, bonds or other securities, and in any manner that may be agreed upon by the company and the subscribers.	Capital stock. Shares. How capital stock raised. How subscriptions paid.

1897
50
1947

Book of subscriptions.	SEC. 4. That the corporators herein named, or a majority of them, may cause books of subscription to the capital stock of the company to be opened at such times and places as they may appoint, and said corporators, their successors, or a majority of them, at any time after the sum of ten thousand dollars (\$10,000) has been subscribed to the capital stock and ten per centum (10 per centum) thereof has been paid, shall be authorized and empowered to call together the subscribers for the purpose of completing the organization thereof in accordance with the provisions of this act.
When company to be organized.	
Directors.	SEC. 5. That at the time of said organization and annually thereafter such stockholders or subscribers, or a majority thereof, shall elect from their number not less than three nor more than seven directors of said company, who shall hold their offices one year, and until their successors shall be elected and qualified; and the directors chosen at such meeting and annually thereafter shall elect one of their number as president of said company, and shall elect a secretary and treasurer, and such other officers as may be provided for in the by-laws of said company, who shall hold their offices one year, and until their successors shall be elected and qualified; and shall fill any vacancy that shall occur in any of said offices by death, resignation or otherwise; that in all elections provided for in this act each share of stock represented in person or by proxy shall be entitled to one vote, such proxy to be verified in the manner prescribed in the by-laws of said company. The meetings of the stockholders and directors shall take place at such times and places as may be provided for by said by-laws.
Term of office.	
President, secretary, treasurer and other officers.	
Term of office.	
Vacancies.	
Proxies verified.	
Meetings of stockholders and directors.	
How stock issued and transferred.	SEC. 6. The said company shall issue certificates of stock to its members, and stock may be transferred upon the books of said company in such manner and form as the by-laws may prescribe.
Power to condemn land.	SEC. 7. That said company shall have the right to have land condemned for right of way, and for necessary warehouses and other buildings according to existing laws, the width of the right of way not to exceed two hundred feet; and shall have full power and authority to sell or lease its road-bed, property and franchise to any other corporation or person, and to consolidate with any connecting line of railway.
Power to sell or lease to or consolidate with other corporations.	
Power to borrow money, issue bonds and secure payment.	SEC. 8. That said company shall have the right to borrow money, and to make, issue, negotiate and use its bonds in such sums and to such amount, not exceeding three thousand dollars for every mile of said railway completed at the time, as to the directors may seem expedient; and the said bonds shall bear interest at no greater rate than 6 per centum per annum,

and shall be payable at such times and places as the board of directors may determine; and the said company shall have power to cause the payment of the same, principal and interest to be secured by one or more mortgages or deeds of trust on its property, estate, rights and franchises, including its road-bed, superstructures, and real estate, and personal estate of whatever kinds, on such terms and to such trustees as the board of directors may think proper; and said mortgage or deed of trust, when duly registered, shall have precedence over all other liens on said property.

SEC. 9. That said corporation, besides the powers herein granted, shall be invested with all the powers and privileges granted to corporations by chapters 16 and 49 of *The Code*, not inconsistent with the provisions of this act.

Further corporate powers and privileges.

SEC. 10. And the general assembly do further enact that chapter 101 of the private laws of 1891 be amended as follows, viz: In section 6 strike out all after the word "follows," in line one, and insert the following: "shall extend to and include all the territory in Columbus county, N. C., within one-half of a mile of the office of the Butters Lumber Company.

Corporate limits of Hub.

SEC. 11. That section 49 be amended by striking out the words "or wine or cider," in line four of the same, and inserting after the word "limits" in line six "and it shall be unlawful for any person to sell wine or cider within the corporate limits of said town of Hub or within one and one-half miles thereof."

Unlawful to sell wine or cider within one and a half miles of town of Hub.

SEC. 12. That the territory included in the corporate limits of said town as provided in section 10 above is hereby created and established as a school district in the county of Columbus, and shall be known and designated as school district No. 87 for the white race, and No. 10 for the colored race, and the respective trustees as heretofore appointed for said districts by the board of commissioners of Columbus county shall hold their offices and perform the duties thereof till June 1st, 1897.

Town of Hub to be a school district.

That on said day the mayor and commissioners of the town of Hub, and annually thereafter, shall elect three committeemen for each of said school districts, who shall hold their offices for one year and perform all the duties and things required by the general law from school committeemen, and shall, as often as necessary under the law, make proper reports of the children of school age in said district, so that the proper apportionment of the school funds may be made for said districts.

Mayor and commissioners of Hub to elect school committee.

Term of office and duties.

SEC. 13. That the mayor and board of commissioners of the town of Hub, for the purpose of supporting and maintaining a school for the white race in said district No. 87, and for the colored race in district No. 10, are hereby authorized to appropri-

Commissioners of town to make appropriation for support of schools.

School fund of district to be paid to town treasurer.

ate a part of the taxes levied for the necessary expenses of the town, as provided in section 35 of said act, each year.

SEC. 14. That it is hereby made the duty of the treasurer of Columbus county, upon the written request of the school committeemen of said districts, No. 87 and No. 10, to pay over the amount of funds appropriated to said districts to the treasurer of the town of Hub, to be disbursed for said school districts upon the order of the said committeemen for maintaining school in said districts.

Former act fixing corporate limits repealed.

SEC. 15. That chapter 31 of private laws of 1895 is hereby repealed.

SEC. 16. That all laws in conflict with this act are hereby repealed, so far as they are inconsistent with this act.

SEC. 14. This act shall be in force and effect from and after its ratification.

Ratified the 6th day of March, A. D. 1897.

CHAPTER 346.

An act to authorize the school committee of Raleigh township to issue bonds.

The General Assembly of North Carolina do enact:

County commissioners to order election on petition of school committee. Questions to be submitted.

SECTION 1. That the county commissioners of Wake county are hereby required, upon a petition signed by a majority of the school committee of Raleigh township, to hold an election in said Raleigh township upon the question of issuing bonds, by said school committee of Raleigh township, for the purpose of paying for property bought for school purposes, erecting and repairing school buildings, and equipping the public schools of said Raleigh township. Said election shall be held at such time during the year 1897 as the said school committee of Raleigh township may designate, and under the same rules, regulations and laws as are prescribed for the election of members of the general assembly; and the county commissioners of Wake county shall provide a special tax for this election, and poll holders at every voting precinct. At said election those who are in favor of issuing said bonds shall vote a written or printed ballot with the words "for school bonds," and those opposed shall vote a written or printed ballot with the words "against school bonds."

When election to be held and under what laws.

Special box and poll holders.

Ballots.

SEC. 2. In case no election for school bonds shall be held during the year 1897, or if a majority of the qualified voters do not vote for said school bonds at an election at any time during the year 1897, it shall be the duty of the county commissioners of Wake county, upon a petition signed by a majority of the school committee of Raleigh township, to order an election held in Raleigh township for the same purposes and under the same conditions, as stated in section 1, at any time in any succeeding year that the school committee of Raleigh township may designate: *Provided*, that no election upon this question shall be held oftener than once a year.

Additional elections.

Proviso:
No election
oftener than
once a year.

SEC. 3. In case a majority of the qualified voters shall vote for said school bonds, the school committee of Raleigh township shall be authorized to issue the same to an amount not to exceed \$50,000. Said bonds shall not be sold for less than their face value, and they shall bear interest at a rate not to exceed six per cent. per annum. Said bonds shall be payable thirty (30) years after date of issue, and they shall have interest coupons attached payable semi-annually, and said bonds and coupons shall not be subject to taxation. Said bonds shall be in denominations not exceeding \$500 and not less than \$100, and the same, together with said coupons, shall be signed by the chairman and secretary of said school committee. The proceeds of said bonds shall be deposited by said school committee in one or more of the banks in the city of Raleigh, and shall be drawn out therefrom only for the purposes named in this act, and upon checks or warrants ordered to be drawn by said school committee, signed by the chairman and secretary of said school committee. Said school committee shall make such report of moneys expended for the purposes set forth in this act, as provided for in section 8 of chapter 141 of the laws of 1885.

School committee to issue bonds.

Amount of issue.

Not to be sold below par.

When bonds and interest payable.

Bonds and coupons not subject to taxation.

Denominations.

How bonds signed.

Proceeds to be deposited in bank.

For what purposes and how drawn out.

Reports of school committee.

SEC. 4. In case a majority of the qualified voters shall vote for said school bonds, the board of county commissioners of Wake county shall levy in said Raleigh township an additional tax of such amount as the school committee of Raleigh township may designate: *Provided*, such additional tax shall not exceed six (6) cents on every \$100 worth of property and eighteen cents (18) on every poll, for the purpose of paying the interest on said bonds and creating a sinking fund. Said tax shall be collected at the same time and in the same manner as the other school taxes of said township, and turned over by the treasurer of Wake county to the sinking fund commissioners hereinafter provided for.

Special tax to be levied.

Proviso:
Rate of taxation.

To be collected as other school taxes and paid over to sinking fund commissioners.

SEC. 5. In case the said bonds are issued, upon authority given by the qualified voters of Raleigh township, in the

School committee to elect commissioner of sinking fund.

<p>Official title. Term of office. When election to be had.</p>	<p>manner hereinbefore provided for, the said school committee of Raleigh township shall elect a suitable person to act as commissioner of the sinking fund, to be known and designated as "Commissioner of the sinking fund for the school bonds of Raleigh township," and who shall hold his office for six years and until his successor is elected and qualified. The election of such a commissioner shall be held every sixth year by said school committee of Raleigh township, and said commissioner, before entering upon the discharge of his duties, shall give a good and satisfactory bond, with sufficient sureties, in such sum as said school committee may designate, payable to "The school committee of Raleigh township, Wake County," conditioned upon the faithful discharge of his duties during the term of his office, and for the faithful paying and accounting for and turning over all moneys and securities coming into his hands as required by this act.</p>
<p>Commissioner to give bond.</p>	<p>SEC. 6. It shall be the duty of said commissioner of the sinking fund to demand and receive from the treasurer of Wake county all moneys paid over to said treasurer of Wake county for the purposes set forth in this act, and shall thereupon give to said treasurer receipts for all moneys thus received, and out of the moneys thus received he shall pay the interest coupons of said bonds as they become due and are presented to him, and he shall invest from time to time all moneys thus received and not used in paying said interest coupons, in such securities as said school committee of Raleigh township may direct.</p>
<p>Annual statements of commissioner.</p>	<p>Said commissioner shall annually render to said school committee a full and complete statement of all receipts and disbursements and a list of securities held by him, and of the moneys on hand at the time of rendering such statement, and shall at the expiration of his term of office turn over to his successor in office all moneys and securities held by him at the time of such expiration. Said commissioner shall be allowed for his services a commission of one per cent. on receipts and disbursements.</p>
<p>Commission of commissioner.</p>	<p>SEC. 7. This act shall be in force from and after its ratification.</p>

Ratified the 6th day of March, A. D. 1897.

CHAPTER 347.

An act to authorize the town of Forest City to issue bonds for public improvements and to levy a special tax.*The General Assembly of North Carolina do enact:*

SECTION 1. That for the purpose of paving and otherwise improving the public streets of the town of Forest City, Ruth-
 erford county, 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 Forest City is hereby authorized and empowered to issue its bonds to an amount not exceeding the sum of four thousand (4,000.00) 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 annually, at such times and at such place or places 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 twenty (20) years from the date thereof and such place or places as the said mayor and commissioners may determine.

Bonds author-
 ized for street
 and other public
 improvements.

Amount of issue
 and denomina-
 tions.

SEC. 2. 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 purposes except those declared in section one of this act.

Bonds not to be
 sold below par.
 Proceeds to be
 used solely for
 purposes spec-
 ified.

SEC. 3. That the bonds authorized to be issued by this act and their coupons shall be not subject to taxation by the said town until they become due and tender of payment 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.

Exemption from
 town tax.

Coupons receiva-
 ble for town
 dues.

SEC. 4. That for the purpose of providing for the payment of the interest accruing on, and the principal at maturity, of the bonds issued under the 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 of taxation on which said mayor and commissioners 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 twenty cents on the one hundred dollars assessed valuation on property and not less than twenty nor more than twenty-five cents on each taxable

Particular tax
 for payment of
 bonds and cou-
 ponds.

Rate.

To be collected
as other town
taxes.
To be kept sepa-
rate.

How surplus
invested.

To be submitted
to voters of town.

When election to
be held.

Notice of elec-
tion.

How election
held and returns
made.

Ballots.

If majority of
voters vote
"approved,"
bonds to be
issued and tax
levied.

poll. The taxes provided for in this section shall be collected in the manner and at the times other town taxes are collected, and shall 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 the 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 direction of the mayor and commissioners.

SEC. 5. That the provisions of section one and four of this act shall be submitted to a vote of the qualified voters of the town of Forest City, at an election to be held in the said town on a day to be designated by the mayor and the commissioners, at any time after twenty days from and after the ratification of this act, and after a public notice for thirty days preceeding the election, of the time when and the place where the election shall be held, which notice shall contain a synopsis of section one and four of this act, and shall be published in some newspaper printed in Rutherford county. Said election 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 bonds provided for in section one, and the levy and the collection of the particular taxes provided for in section four 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 Forest City 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 four 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.

SEC. 6. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

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

Ratified the 6th day of March, A. D. 1897

CHAPTER 348.

An act to repeal chapter 353, public laws of 1895, so far as it relates to Transylvania county.

The General Assembly of North Carolina do enact:

SECTION 1. That all the provisions of chapter three hundred and fifty-three (353), public laws of 1895, are hereby repealed, so far as they apply to Transylvania county.

SEC. 2. That all prosecutions commenced under this act are hereby estopped, so far as the same applies to Transylvania county.

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

Ratified the 6th day of March, A. D. 1897.

Transylvania stricken from act to lay out, locate and construct a public road. Prosecutions heretofore commenced relating to Transylvania county estopped.

CHAPTER 349.

An act to amend chapter 427 of the public laws of 1895, by striking Polk county from the provisions of said act.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter four hundred and twenty-seven of the public laws of the General Assembly of North Carolina, at the session of one thousand eight hundred and ninety-five, be amended by striking the county of Polk from the provisions of said act, and that the word Polk be stricken out of said act and the title thereof whenever it occurs.

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

Ratified the 6th day of March, A. D. 1897.

Polk county stricken from act regulating working of roads in certain counties.

CHAPTER 350.

An act supplemental to an act to provide for and promote the oyster industry of the state, passed at the present session of the General Assembly, and ratified the twenty-third day of February, one thousand eight hundred and ninety-seven.

The General Assembly of North Carolina do enact:

SECTION 1. That section twenty-one of said act be amended by adding to the end of said section Gull Shoals and Pingleton Bay in Hyde county.

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

Ratified the 6th day of March, A. D. 1897.

Oyster law of 1897 not to apply Gull Shoals and Pingleton Bay, in Hyde county.

CHAPTER 351.

An act authorizing the county commissioners of Randolph county to sell county home.*The General Assembly of North Carolina do enact :*County commis-
sioners author-
ized to sell lands.

SECTION 1. That the county commissioners of Randolph county are hereby authorized and empowered to sell and convey the lands whereon is now situated the county home for said county, together with all and singular, the rights of the county to said lands and all buildings and improvements thereon.

Authorized to
purchase land
and erect build-
ings.

SEC. 2. That said commissioners are hereby authorized and empowered to purchase a lot or parcel of lands, to be situated not more than five miles from the court house of said county, for the purpose of erecting thereon suitable buildings for the comfort of the inmates and keeper of said county home.

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

Ratified the 6th day of March, A. D. 1897.

CHAPTER 352.

"An act to prevent fishing in Winchester's creeks tributaries of Brendle's Fork of Richland creek in Haywood county."*The General Assembly of North Carolina do enact :*Unlawful to fish
in certain creeks
without written
permission of
land owners.

SECTION 1. That it shall be unlawful for any person or persons to fish in Winchester's creeks tributaries of Brendle's Fork of Richland creek in Haywood county, North Carolina, without the written permission of the owner or owners of the land through which the said creeks run.

Violation a
misdemeanor.
Penalty.

SEC. 2. That any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction therefor shall be fined not less than ten nor more than thirty dollars, to go to the school fund of Haywood county: *Provided, however,* that no person shall be guilty of violating the provisions of this act until a printed copy of the same shall have first been posted at the court house door in Waynesville in said county and a copy at the public road nearest the mouth of each of the said Winchester creeks.

Proviso:
Copy of act to be
posted.

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

Ratified the 6th day of March, A. D. 1897.

CHAPTER 353.

An act to amend sections (2812) (2813) (4814) of The Code of North Carolina.

The General Assembly of North Carolina do enact:

SECTION 1. That sections two thousand eight hundred and twelve (2812), two thousand eight hundred and thirteen (2813), and fourteen (2814), of "*The Code*," be amended by striking out the words "one-fifth of the qualified voters," wherever they occur in said sections, and that hereafter no election shall be called or held on the subject of stock law, without a petition of a majority of the qualified voters of the territory proposing to vote on said question.

Elections on stock law to be held only on petition of majority of voters of territory.

SEC. 2. That no territory, or part of a territory shall be allowed to vote on the subject of stock law more than once in twelve months, and that no election shall be called in any territory having less than fifty qualified voters.

Election not held more than once a year, nor in territory with less than 50 voters.

SEC. 3. That no territory shall be allowed to vote on the subject of stock law until the commissioners are satisfied that the boundary lines are impartially laid off.

Commissioners to be satisfied that boundaries are impartially laid off.

SEC. 4. That for the purpose of this act the clerks of the superior courts are hereby authorized and directed to appoint two registrars and three judges to hold the election herein provided for, and by adding to sections four the counties of Craven, Cumberland, Transylvania, Wilson, Yancey, Dare, Pamlico, Hyde, Greene, Johnston and Randolph.

Clerks of Superior Court to appoint election officers.

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

Ratified the 6th day of March, A. D. 1897.

CHAPTER 354.

An act to protect mountain or speckled trout fish in Cattaloochee creek and its tributaries in Haywood county.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons to fish for mountain or speckled trout fish in Cattaloochee creek or its tributaries in Haywood county for the purpose of offering such fish for sale.

Unlawful to fish for trout in Cattaloochee creek with intent to offer fish for sale.

SEC. 2. That it shall be unlawful for any person or persons knowingly to buy such trout fish caught in said Cattaloochee creek or its tributaries, or to hire any person or persons to fish

Unlawful to buy such trout or have person to fish in such creek

without permis-
sion of holders of
fishing interests.

therein for said trout fish without having first obtained written permission of the owner or owners, lessee or lessees of the fishing interest of the land adjacent to the creek where such trout fish are caught or fished for.

Violation a
misdemeanor.

SEC. 3. That any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five nor more than twenty dollars, or imprisoned not more than thirty days. Said fine to go to the school fund of Haywood county: *Provided, however,* that no person or persons shall be guilty of violating the provisions of this act until a printed copy of the same shall first have been posted at the court house, door in Waynesville and three conspicuous public places in the territory traversed by said Cattaloochee creek and its tributaries, for at least thirty days.

Penalty.

Proviso:
Copy of act to be
posted.

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

Ratified the 6th day of March, A. D. 1897.

CHAPTER 355.

An act to allow the county of Sampson to work convicts on the public roads.

The General Assembly of North Carolina do enact :

Certain prisoners
to be worked on
roads.

SECTION 1. That the county of Sampson be and is hereby authorized to work all persons sentenced to serve terms in the county jail of said county, and also all persons convicted in the courts of said county and sentenced to terms of one year or less imprisonment in the state penitentiary, on the public roads of said county.

County commis-
sioners to employ
overseer.

SEC. 2. That the county commissioners of said county are hereby empowered to employ one or more discreet and competent men to oversee said convicts, and the person or persons so appointed by said commissioners is hereby employed to administer reasonable corporal punishment to such convicts as shall refuse to work or otherwise refuse to obey the orders of said overseer.

Power of over-
seers to admin-
ister reasonable
corporal punish-
ment.

No woman to be
worked on roads.

SEC. 3. *Provided,* that no women shall be worked on the public roads.

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

Ratified the 6th day of March, A. D. 1897.

CHAPTER 356.

An act to regulate the working of roads in the county of Tyrrell.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and thirty-two of the laws of eighteen hundred and eighty-one, as amended by chapter three hundred and eighty-nine of the laws of eighteen hundred and ninety-five, is hereby re-enacted.

Acts authorizing commissions to open public roads and work convicts re-enacted.

SEC. 2. That any and all laws or parts of laws that may conflict in any manner with the provisions of this act are hereby repealed.

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

Ratified the 6th day of March, A. D. 1897.

CHAPTER 357.

An act to provide for the representation of the State of North Carolina, and the citizens thereof, at the Tennessee Exposition in 1897.

WHEREAS, The state of Tennessee has provided, by appropriate legislation, for celebrating the one hundredth anniversary of its organization as a state and admission to the Union of the United States of America, by holding an international and interstate exhibition of arts, sciences, industries, manufactures and products of the civilized world, in the city of Nashville, in the year one thousand eight hundred and ninety-seven; and,

Preamble.

WHEREAS, The government of the United States, as well as the government of many of the states of the Union, have made large appropriations of money, and provided by other legislation for the representation of their respective governments at said exhibition; and,

Preamble.

WHEREAS, Because of the fact that the territory embraced within the state of Tennessee was a part of the state of North Carolina, and its settlement and the organization of its government was accomplished chiefly by the labor, courage and wisdom of the sons and daughters of North Carolina, and there hath always existed between the citizens of the state the most cordial and affectionate relations, growing out of these historical associations as well as the contiguity of their territory; and,

Preamble.

Preamble.

WHEREAS, It is of great importance to the people of North Carolina that the natural resources, industrial development and general progress of the people of this state should be creditably displayed at said exhibition ; therefore,

The General Assembly of North Carolina do enact :

Board of managers of the Tennessee Centennial Exposition organized.

Who to constitute board.

Governor to convene board.

Board to organize.

Proviso :
Treasurer of state ex officio treasurer of board.
Quorum.

Members and officers of board not entitled to compensation.
Duties of board.

Board of Agriculture authorized to make exhibit.

Reports of board.

SECTION 1. That for the purposes of making an exhibit of the resources, products and material development of North Carolina at said exhibition a body is hereby constituted and designated, "The Board of Managers of 'The Tennessee Centennial Exposition,'" which shall be composed of the governor of the state, *ex officio*, and the board of agriculture, and such other persons, citizens of this state, not to exceed nine in number, as the governor may select.

SEC. 2. The governor shall forthwith convene the said board, at such place as in his judgment shall be most convenient, when it shall organize by the election of a president, secretary and such other officers as may be determined to be necessary or desirable: *Provided, however*, the treasurer of the state shall be, *ex officio*, the treasurer of the board. Five members shall constitute a quorum, and shall have power to adopt all such rules and regulations as may be necessary for the government of the board, and to transact all business connected with the purposes for which it is created.

SEC. 3. The members and officers of the board shall not be entitled to any compensation for their services.

SEC. 4. The said board shall have charge of the interests of the state and its citizens, in the preparation and exhibition at the said exposition of the natural and industrial products of the state and of objects illustrating its history, progress, moral and material welfare and future development; it shall by all proper means disseminate, among the people of the state, information of the nature and character of the said exposition, invite contributions and collections of articles and materials for display, and make such arrangements as may be necessary for their collection, transportation and exhibition. And the board of agriculture is hereby authorized to make an exhibition of all such collections, as it may now have, or may hereafter acquire, at such exposition.

SEC. 5. The said board shall make to the governor of the state reports of its proceedings.

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

Ratified the 6th day of March, A. D. 1897.

CHAPTER 358.

An act to authorize the commissioners of Forsyth county to levy a special tax when the people file their petition asking for the same.

The General Assembly of North Carolina do enact:

SECTION 1. That upon a majority of the qualified voters of Forsyth county filing their petition with the board of county commissioners of Forsyth county, praying that a special tax be lived to pay the bonded debt of the county, incurred by the building of a court house, said commissioners shall be authorized and empowered to levy a special tax, at the same time with other levies, upon all the taxable property and polls of said county, said special tax to be levied from year to year to meet the interest and cancel as much of the bonded indebtedness of said county as may be deemed advisable and possible from such surplus as may be left after paying the interest on the bonds, the said special tax levy shall not exceed the sum of twenty-five cents on the one hundred dollars valuation of property in said county and the sum of seventy-five cents on the poll, and in making such levy the commissioners shall observe the constitutional equation between the property and the poll.

Special tax to be levied on petition of majority of qualified voters of county.

Rate.

SEC. 2. That the sheriff shall collect said taxes at the same time and under the same restrictions that other taxes are collected, and said taxes shall not be applied to any other purpose than that indicated by this act, except to refund any money that may have been used for county purposes taken from the school fund.

To be collected as other taxes. To be used only for purpose specified. Exceptions.

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

Ratified the 6th day of March, A. D. 1897.

CHAPTER 359.

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 sheriffs and tax collectors of the several counties of this state 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), one thousand eight hundred and ninety-four (1894), one thousand eight hundred and

Sheriffs and tax collectors and ex-sheriffs and ex-tax collectors authorized to collect arrears.

Proviso:
Who not com-
pelled to pay
arrears,

Proviso:
Not to apply to
counties named.

Proviso:
Nor to counties
named for years
specified.

Not to relieve
sheriffs and tax
collectors or
bondsmen from
liability.

When authority
under act to
cease.

ninety-five (1895) and one thousand eight hundred and ninety-six (1896), are hereby authorized and empowered to collect arrears of taxes for each of the years aforesaid, under such rules or regulations as are or may be provided by law for the collection of taxes: *Provided*, that any person who makes affidavit that he has paid his taxes for any one or more years, before any justice of the peace, and the said receipt is lost, shall not be compelled to pay same again: *Provided, further*, that this act shall not apply to Granville, Craven, Greene, Harnett, Perquimans, Lenoir, Brunswick, Hyde, Chatham, Tyrrell, Camden, Northampton, Onslow, New Hanover, Wake, Martin, Jones, Catawba, Edgecombe, Johnston, Buncombe, Cabarrus, Wilson, Montgomery, Jackson, Chowan, Union, Robeson, Pamlico, Rockingham, Pasquotank, Stanly, Caswell, Franklin, Vance, Alamance and Swain.

Provided, further, that this act shall not apply to Iredell, Columbus and Bertie counties for the years 1891, 1892 and 1893, nor to Nash county for the years 1891, 1892, 1893 and 1894, nor to Surry county for the years 1891 and 1892.

SEC. 2. That nothing herein contained shall be construed to relieve sheriffs or tax collectors, their representatives or bondsmen, from the liability imposed by the law to pay state, county and other taxes at the time and place provided by law.

SEC. 3. That the authority herein given shall cease and determine on the 25th day of December, one thousand eight hundred and ninety-eight (1898).

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

Ratified the 6th day of March, A. D. 1897.

CHAPTER 360.

An act to regulate the impounding of live stock in the counties of Buncombe, Madison, Wilkes, Tyrrell, Surry, Haywood, Vance, Davie, Cumberland and Halifax.

The General Assembly of North Carolina do enact:

Any person may
take up stock.

Rights of
impounder.

SECTION 1. That any person may take up any live stock running at large within any township or district wherein the stock law shall be in force and impound the same, and each impounder may demand ten cents for each animal so taken up, and ten cents for each animal for every day such animal is so kept impounded, and may retain the same with the right to use it under proper care until all the legal charges for impounding

said stock and for damages caused by the same are paid, said damages to be ascertained as now provided by law :

Provided, That, if the owner of said stock so impounded, after being duly notified of the impounding of the same, shall neglect or refuse to pay the charges of impounding as provided in this act, he shall pay thereafter twenty-five (25) cents for each animal so impounded for each day the same shall remain impound after such notice.

SEC. 2. That it shall be the duty of all persons impounding stock under the provisions of this act to immediately notify the owner of such stock of the fact, and any person who shall turn out of the pasture or other inclosure of another or drive stock from a township or district wherein the stock law is not in force into a district wherein the stock law is in force any stock for the purpose of impounding or allowing the same to be impounded, shall be guilty of a misdemeanor, and upon conviction shall be fined not to exceed fifty (50) dollars, or imprisoned not more than thirty (30) days, and any person who shall impound any stock and wilfully neglect to notify the owner shall be guilty of a misdemeanor, and upon conviction shall be fined not to exceed fifty dollars (\$50), or imprisoned not more than thirty days (30) days.

Proviso:
Allowance for
keeping stock
increased after
notice to owner.

Impounder to
notify owner.

Misdemeanor to
turn stock out of
inclosure or
drive stock into
district.

Penalty.

Misdemeanor to
impound stock
without notify-
ing owner.

Penalty.

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

SEC. 4. That the provisions of this act shall apply only to the counties of Buncombe, Madison, Wilkes, Surry, Haywood, Vance, Davie, Cumberland, Halifax and Tyrrell.

Counties to
which act
applies.

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

Ratified the 6th day of March, A. D. 1897.

CHAPTER 361.

An act to establish a graded school in Hayesville, Clay county.

The General Assembly of North Carolina do enact :

SECTION 1. That all the territory embraced within the limits of the Hayesville graded school district herein mentioned, shall be and the same is hereby constituted the Hayesville graded school district, for white children only; bounded as follows : Beginning on a stake near the Sweet Water gap, in the line of pre emption No. 108 and pre emption No. 609, and runs north with the line of No. 609 to a northeast corner of the same; thence west 125 poles to a stake, on the line of No. 180; thence north 70 poles to a hickory; thence east 80 poles to a black oak,

Hayesville graded
school district
constituted.

Boundaries.

corner of James Carroll's land; thence north with the line of Nos. 180 and 183, crossing entry No. 1446, to a stake in north boundary line of No. 1446, thence east to top of the mountain, east of High Top; thence east with meanders of the mountain, to a stake in J. B. Mean's line; thence north with the line of his mountain place to a stake on Hiwassee river; thence up the meanders of the river, passing the Adin Martin ford to a stake on the bank of Hiwassee river opposite a white oak, lower corner of No. 7, owned by J. C. Herbert; thence north crossing the river and passing the white oak to a hickory, northwest corner of No. 7; thence east 125 poles to a sourwood, near the corner, Bill Martin house; thence south 100 poles to a black oak, corner T. J. Herbert's land; thence east 125 poles to three white oaks, corner of M. A. Martin's land; thence south, crossing Tusquittee creek to a stake, near the T. J. Herbert ford; thence up the creek, with its meanders, to a stake in Winchester's line; thence south, with Winchester's line to southwest corner of the same; thence east with lines of G. W. Bristol's land, to northeast corner; thence south to southeast corner; thence west with Bristol's lands, to northeast corner of F. L. Padgett's land; thence south with the lines of Padgett's and Erwin's land, to a stake in J. A. Pendland's line; thence east with Pendland's line, to northeast corner; thence south to top of ridge, to a stake in Bernard's line; thence east, with ridge to northeast corner of A. J. McClure's and George Moore's land; thence a south course, with McClure's and Moore's line, to a stake in R. E. Long's line; thence with R. E. Long's line, to a stake in the Hayesville and Shooting creek road, west of Long's house, in the Orson Barnard's line; thence west with the road to a stake, a corner of the W. A. McGlam-ey's land; thence with McGlam-ey's line, to a stake on the bank of Shooting creek, upper corner of same; thence down the creek, with its meanders, to its mouth; thence up the meanders of Hiwassee river to the upper corner of L. H. McClure's land; thence with the east and south boundary lines to southwest corner; thence north, to line of R. S. Cowan's; thence with his line to southeast corner of J. B. Brown's; thence west with south boundary line of J. B. Brown, J. D. Curtis, Charley Green, Thomas Cody and James Green's to D. E. Coalman's line; thence northwest course with lines of D. E. Coalman and W. A. Haigler's place, to southwest corner of Haigler's land; thence north to top of the mountain, between Cherry's mill creek and Hyatt's mill creek; thence west with meanders of the mountain to a stake, G. M. Fleming's line; thence west with south boundary line of same, to the west corner of the

same; thence north with west boundary of Fleming and Setser lands, to a stake in John Ledford's land; thence west to southwest corner of the same; thence north to the beginning.

SEC. 2. Those in favor of levying the tax shall vote a written or printed ticket with the words "for school" on it, and those opposed to vote a written or printed ticket with the words "against school."

SEC. 3. The board of county commissioners of the county of Clay are hereby required to submit to the qualified registered voters of said district, whenever petitioned to do so by one-fourth of the qualified voters of said district, the question whether an annual tax shall be levied therein for the support of graded school for said district, said tax not to exceed fifty cents on the one hundred dollars worth of property, observing the constitutional equation between the property and poll, and not less than twenty cents, and said election shall be conducted under the same rules and regulations as prescribed by law for the election of members of the General Assembly of North Carolina.

SEC. 4. That if a majority of the voters in said district be in favor of such tax the same shall be levied and collected in the same manner as provided by law for the levying and collecting of other taxes for said county and state; the county tax collector shall collect and pay over the same to the county treasurer under the same liabilities as now provided by law for the collection and paying over of other county taxes.

SEC. 5. The special tax thus collected shall be expended in keeping up said graded school for children of both sexes between the ages of six (6) years and twenty-one (21) years.

SEC. 6. That S. H. Allison, G. M. Fleming, W. H. McClure, J. B. Mease, G. W. Sanderson, M. R. Kinsey, and R. L. Herbert, be and the same are hereby constituted a board of trustees for said graded school.

SEC. 7. That said trustees shall have power to fill all vacancies in said board, to dismiss teachers, sue and be sued, purchase and hold real estate, and do all such acts as may be necessary to carry on said graded school, and said board of trustees shall have the right, upon satisfactory arrangement, to admit students outside of said district into said graded school.

SEC. 8. That the public school money which from time to time may be collected and proportioned under the general school law for free school purposes for the white children of said district shall be applied to keeping up said graded school under the order and discretion of said board of trustees.

SEC. 9. That the property, both real and personal, of the

lic school to become property of graded school.

Upon discontinuance of graded school property to revert.

Election to be governed by majority of vote cast.

Tax to be collected as other taxes.
No tax to be collected from colored race.

Colored race not allowed to vote on tax question.

public school in said district shall become the property of said graded school, and shall be vested in said board of trustees and their successors in trust for said graded school, and that in the event of the discontinuance of said graded school all of the property thereunto belonging shall revert to and become the property of said public and private schools of said district.

SEC. 10. That said election shall be governed by a majority vote, and in the event a majority of the qualified voters of said graded school district, according to vote cast in said election, shall be in favor of an annual tax, the said board of county commissioners shall have the power to levy not less than twenty (20) cents on the one hundred (\$100.00) worth of property nor more than fifty (50) cents, and a corresponding amount on the poll.

SEC. 11. That said tax shall be collected as other taxes.

SEC. 12. *Provided*, that no tax shall be collected from the colored race for the purpose of keeping up the Hayesville graded school for white children.

SEC. 13. *Provided, further*, that the colored race shall not be allowed to vote as to levying tax, &c., for the Hayesville graded school for white children.

Ratified the 6th day of March, A. D. 1897.

CHAPTER 362.

An act to repeal chapter 418, laws of 1891.

The General Assembly of North Carolina do enact :

Act fixing line between Clay and Cherokee repealed.
Old line re-established.

Territory restored to Cherokee.

SECTION 1. That chapter four hundred and eighteen (418), laws of 1891, be and the same are hereby repealed.

SEC. 2. That the dividing or boundary line between the counties of Cherokee and Clay, as established under the provisions of chapter 343, laws of 1885, be and the same are hereby re-established and restored as the dividing line between said counties.

SEC. 3. That all the territory taken from Cherokee county by chapter 418, laws of 1891, is hereby restored to said county, and shall hereafter belong to and constitute a part of said county of Cherokee.

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

Act to be ratified by voters of territory.
When and how election called and held.

SEC. 5. This act shall not go into effect till ratified by a majority of the qualified voters in the boundary to be affected by the act. That the county commissioners of Clay county shall call an election to be held at the usual voting place in the

precinct of which the boundary above mentioned is a part, on the first Monday in May, 1897, and said election shall be held under the same rules and regulations as elections for members of the General Assembly. Those wishing to vote for ratification shall vote a printed or written ticket with the words "for ratification," and those wishing to vote against ratification shall vote a written or printed ticket with the words "against ratification." If at said election it appears that a majority of the qualified electors vote "for ratification," then this act shall be in full force and effect, but if a majority of the votes so cast are "against ratification," then this act shall be null and void, and the line between Clay and Cherokee shall hereby be forever settled and established.

Ballots.

If majority vote for ratification act to take effect.

Ratified the 6th day of March, A. D. 1897.

CHAPTER 363.

An act for the relief of D. B. McNeill, a school teacher of Robeson county.

The General Assembly of North Carolina do enact:

SECTION 1. That the treasurer of Robeson county be and is hereby authorized to pay to D. B. McNeill, out of the general school fund of said county, fifty dollars (\$50.00), balance due him, the said D. B. McNeill, for services as teacher of the public school, in the school district number ninety-one (91) for the white race in said county; said services having been rendered during the year 1875, upon the presentation to the said treasurer by the said D. B. McNeill of an order in due form, signed by the chairman of the board of commissioners of said county, and countersigned by the clerk of said board of county commissioners, which order the said board of commissioners shall order drawn on said treasurer, upon satisfactory proof to them that the said balance is due him for services as teacher in said district during said year.

Treasurer of Robeson county authorized to pay D. B. McNeill for services as school teacher.

County commissioners to order warrant drawn if proof that amount is due.

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

Ratified the 6th day of March, A. D. 1897.

CHAPTER 364.

An act to repeal section 1738 and amend section 1739 of The Code.

The General Assembly of North Carolina do enact :

Power of judge
to order special
venire abolished.

SECTION 1. That section 1738 of *The Code* be and the same is hereby repealed.

Discretionary
power of judge to
order special
venire abolished.

SEC. 2. That section 1739 of *The Code* be and the same is hereby amended by striking out in line two the words "may at his discretion" and inserting in lieu thereof the word "shall":

Proviso:
Act to apply only
to Durham and
Rockingham
counties.

Provided, the provisions of this act shall apply to Durham and Rockingham counties only.

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

Ratified the 6th day of March, A. D. 1897.

CHAPTER 365.

An act supplemental to an act regulating the procuring and distribution of dead bodies for the promotion of medical science.

WHEREAS, in drafting the act for the regulating the procuring and distribution of dead bodies for the promotion of medical science, the enacting clause prescribed by the constitution was inadvertently omitted; now, therefore,

The General Assembly of North Carolina do enact :

Enacting clause
inserted and
declared part of
act.

SECTION 1. That an act entitled an act regulating the procuring and distribution of dead bodies for the promotion of medical science, ratified on the first day of March, 1897, be and the same is hereby amended by inserting the words, "The General Assembly of North Carolina do enact" between the title of said act and section 1 of the same, and that the said words so inserted shall be and remain part of the original act, and are hereby so declared.

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

Ratified the 6th day of March, A. D. 1897.

CHAPTER 366.

An act to repeal section (5) five, chapter (135) one hundred and thirty-five, laws of 1895.

The General Assembly of North Carolina do enact:

SECTION 1. That section five, chapter one hundred and thirty-five, laws of 1895, is hereby repealed. Provision for additional county commissioners.

SEC. 2. All laws and clauses of laws inconsistent with this act are hereby repealed.

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

Ratified the 6th day of March, A. D. 1897.

CHAPTER 367.

An act to regulate the keeping of stock in Tyrrell county.

The General Assembly of North Carolina do enact:

SECTION 1. That no person in the county of Tyrrell, living in a stock law district or town that is not fenced off, shall charge for taking up, impounding or feeding any horse, mule, cattle, hog, sheep, goat or goose. Certain persons to make no charge for impounding stock.

SEC. 2. That any person taking up any of said stock and impounding it, and not feeding and watering said stock, shall be guilty of a misdemeanor, and upon conviction be fined not more than ten dollars or imprisoned not more than ten days. Misdemeanor to impound stock without feeding and watering same. Penalty.

SEC. 3. That all laws or parts of laws in conflict with this act is hereby repealed.

Ratified the 6th day of March, A. D. 1897.

CHAPTER 368.

An act to grant discretionary power to state treasurer.

The General Assembly of North Carolina do enact:

SECTION 1. That, unless otherwise provided, it shall be discretionary with the state treasurer whether he shall pay any annual appropriation in monthly, quarterly or semi-annual instalments or in a single instalment. Instalments in which appropriations paid discretionary with Treasurer.

SEC. 2. All laws and clauses of laws inconsistent with this act are hereby repealed.

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

Ratified the 6th day of March, A. D. 1897.

CHAPTER 369.

An act to pay Henry L. Fennon's widow pensions.*The General Assembly of North Carolina do enact :*

Pension warrant
issued to H. L.
Fennon deceased
to be paid to his
widow.

SECTION 1. That the check of (\$64.00) sixty-four dollars, now in the hands of H. J. White, register of deeds of Person county, North Carolina, being a pension allowed Henry L. Fennon, now deceased, shall be paid to widow of the deceased pensioner.

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

Ratified the 6th day of March, A. D. 1897.

CHAPTER 370.

An act to amend chapter 171, laws of 1872 and 1873.*The General Assembly of North Carolina do enact :*

Prohibition in
Pollocksville not
to apply to wines
made from fruit
raised on land of
manufacturer.

SECTION 1. That so much of chapter 171, acts of the general assembly of 1872 and 1873, as applies to Pollocksville, in Jones county, North Carolina, shall not apply to the farmers in said territory who make wine from the berries, grapes and other fruits raised on their own land.

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

Ratified the 6th day of March, A. D. 1897.

CHAPTER 371.

An act to authorize the treasurer of Jones county to pay J. N. Bennet a certain school order.*The General Assembly of North Carolina do enact :*

Treasurer of
Jones county
authorized to
pay balance due
on school order.

SECTION 1. That the treasurer of Jones county is hereby authorized to pay J. N. Bennet, out of the school fund, the sum of five $\frac{99}{100}$ dollars, a balance due him on a school order issued in the year 1894.

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

Ratified the 6th day of March, A. D. 1897.

CHAPTER 372.

An act to prevent the damming of the waters in Beaver creek,
Jones county.*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any person or persons to cut or fell any trees or in any way obstruct the free flow of water in Beaver creek, Jones county. Unlawful to obstruct free flow of water.

SEC. 2. That any person or persons who shall be found guilty of violating this act, upon conviction thereof, shall be guilty of a misdemeanor and fined not more than five dollars or imprisoned not more than fifteen days. Misdemeanor.
Penalty.

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 6th day of March, A. D. 1897.

CHAPTER 373.

An act to repeal chapter twelve "12" of the public laws of
1895.*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter twelve "12" of the public laws of 1895, entitled an act to levy a special tax to build a bridge across Tuckasee river in Jackson county, be and the same is hereby repealed. Law authorizing special tax repealed.

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

Ratified the 6th day of March, A. D. 1897.

CHAPTER 374.

An act to clear the channel of Haw River in Rockingham
county.*The General Assembly of North Carolina do enact :*

SECTION 1. That W. F. Preddy, Nat Ware, P. Q. Waynick, W. T. Martin and J. A. Jones be appointed commissioners for Haw river in Rockingham county, from the back waters of "High Rock" mill pond to the lower line of B. G. Chilcutt's land, whose duty it shall be as soon as practicable to lay off said Commissioners appointed.

Haw river, within the points mentioned, into sections of convenient length, and for each section shall appoint an overseer Commissioners to lay off river in sections and appoint overseers.

Term of office.

Power of commissioners to elect chairman and fill vacancies.

County commissioners to fill vacancies on neglect of river commissioners.

Commissioners to estimate bottom lands and notify owners.

Land owners to furnish one hand for every twenty acres of bottom lands.

Penalty for failure to furnish hand.

How penalty recovered.

Number of days to be worked each year.

Misdemeanor to obstruct the channel of river.

Penalty.

Proviso :
Persons paying penalty before presentment not to be indicted.
Proviso :
Limit of imprisonment.

Penalties recovered to be expended on improving river.

who shall be a landowner in the section for which he is appointed and shall hold his office for two years.

SEC. 2. That said commissioners on the said "Haw river" 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 of Rockingham county shall, on application, fill such vacancies for the purpose herein mentioned.

SEC. 3. That said commissioners shall estimate the number of acres of bottom land belonging to each landholder on said river, between the points mentioned in section one of this act, and furnish each overseer with a copy of the estimate for his section, and said landowners when required, after five days' notice by the overseers, shall furnish one hand with appropriate tools for each twenty acres of bottom lands 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 overseer, with the hands so provided, to work not less than three days if deemed necessary by the commissioners, nor more than six days, at the discretion of the commissioners, for each and every year, on the channel of said river, with power to straighten the same when necessary, removing obstructions and improving the banks thereof, under such directions as the said commissioners may prescribe.

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 shall pay the penalty of ten dollars to the overseer of said section before presentment is made of the same, he or they shall not be liable to indictment for said offence: *Provided, further*, that on conviction, the imprisonment shall not be more than thirty days, at the discretion of the court.

SEC. 5. That all moneys arising from failure to work on said river, and all penalties collected under the provisions of this act shall be paid to the overseer of the section in which it may arise, and by him shall be expended in improving the channel of said river, 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.

Misdemeanor for overseer to fail to perform duties.
Penalty.

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.

Act not to prevent the building of bridges and water-gates.

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

No exemption from public road duty.

SEC. 8. That chapter 358, public laws of 1895, and all other laws and clauses of laws in conflict with this act, be and the same is hereby repealed in so far only as this act, is concerned.

Drainage of lands on Haw river and Benaja creek.

SEC. 9. That this act shall be in force from and after the first day of May, one thousand eight hundred and ninety-seven (1897).

When act to take effect.

Ratified the 6th day of March, A. D. 1897.

CHAPTER 375.

An act to provide a dispensary for the town and township of
Louisburg, Franklin county.

The General Assembly of North Carolina do enact:

SECTION 1. That the manufacture, sale, barter or exchange, receipt or acceptance, for unlawful use, delivery, storing and keeping in possession within the town and township of Louisburg, in Franklin county, North Carolina, of any spirituous, malt, vinous, fermented, brewed, or other liquors, any compound or mixture thereof by whatever name called or known, which contains alcohol and is used as a beverage by any person, firm or corporation except as is hereinafter provided, is hereby prohibited, under a penalty of not less than three nor more than twelve months imprisonment in the county jail, or to pay a fine of not less than \$100 nor more than \$500, or both fine and imprisonment in the discretion of the court for each offense: *Provided*, it shall not be unlawful for the manufacturers of brandy from fruits and of domestic wines to sell and deliver himself brandy or domestic wines of his own manufacture: *Provided*, such brandy or wines are not sold in quantities less than one quart and are not drunk on the premises where sold.

Prohibition as to town and township of Louisburg.

Penalty.

Proviso:
Exception as to fruit brandy and domestic wines.

Proviso:
As to sale of excepted liquors.

Township board
of control.

SEC. 2. A board consisting of the mayor of said town, the chairman of the board of county commissioners of said county, and the clerk of the superior court of said county, is hereby constituted, to be known as the township board of control. Said board of control shall appoint from the citizens of said township three persons believed by said board of control not to be addicted to the use of intoxicating liquors, who shall be known as the board of dispensary commissioners. Said board of commissioners shall hold their office for the term of two years, and until their successors are appointed, and shall be subject to removal for cause by said board of control. Said board of control shall fill all vacancies in said board of commissioners caused by death, resignation or removal.

Board of dis-
pensary commis-
sioners.

Term of office.

Subject to re-
moval for cause.

Board of control
to fill vacancies.

Dispensary com-
missioners to
establish dispen-
sary.

Commissioners
to purchase and
keep liquors.

Liquors to be
tested.

Inferior liquors
not offered for
sale.

Proviso:
Malt liquors to
be of established
brands.
Spirituos and
vinous liquors to
be put in pack-
ages and sealed.

Spirituos or
vinous liquors
condemned not
to be sold or paid
for.

Commissioners
to elect dispen-
sary managers.

Managers re-
moved for cause.

Oath of mana-
gers.

SEC. 3. Said dispensary commissioners shall establish and maintain at some point on one of the principal business streets in the said town of Louisburg a dispensary for the sale of spirituous, vinous and malt liquors. Said commissioners shall purchase a stock of spirituous, vinous and malt liquors, and shall at all times keep such a stock of such liquors in said dispensary as may be necessary to supply the demand therefor. Said commissioners shall cause the liquors, except malt liquors purchased by them in cases or bottles, so purchased to be tested by a competent chemist from time to time, and shall offer for sale in said dispensary no liquors which are not pure: *Provided*, that malt liquors purchased by said commissioners shall be only of well established brands with reputation for purity. Said commissioners shall cause all spirituous and vinous liquors offered for sale in said dispensary to be put into packages of not less than one-half pint nor more than four gallons, and cause the same to be securely sealed before the same are placed in said dispensary. If any spirituous or vinous liquors are, after purchase by said commissioners, condemned by the chemist making the analysis as impure and unwholesome, all liquors of the same kind and shipment as that so tested shall be condemned, and none of it shall be sold (by) said dispensary, and payment therefor shall be refused to the person, firm or corporation from whom said liquors were purchased. Said commissioners shall elect from the citizens of said township one or more persons, to be known as the manager or managers of said dispensary, who shall have charge and control of said dispensary under the supervision of the said commissioners, and shall be elected for such term as said commissioners shall deem best, and shall be removed by them for such cause as shall be deemed by said commissioners sufficient. The said manager or managers shall, before entering upon the duties of said office, state on oath his or their name or

names, place or places of residence, in what business engaged, and in what business he or they has or have been engaged for two years prior to said election; that he or they is or are a resident or residents of the township aforesaid; that he or they has or have never been adjudged guilty of violating the law in relation to intoxicating liquors, and is or are not a keeper or keepers of a restaurant or place of public amusement, and that he or they is or are not addicted to the use of intoxicating liquors as a beverage. Said manager or managers, shall before entering upon the duties of said office, execute to the county treasurer a bond or bonds, with good and sufficient sureties, in such sum as may be fixed by said commissioners, not less than \$500.00, conditioned that he or they will well and truly obey the dispensary law, the laws of the state, and the rules and regulations established by said commissioners; that he or they will pay all fines, penalties, damages and costs that may be assessed or recorded against him or them for violations of such laws during his or their term of office, and will not sell intoxicating liquors at a price other than that fixed by said commissioners, and that he or they shall faithfully account to said commissioners for all moneys coming into his or their hands by virtue of said office. Said bond or bonds shall be for the use of the county and town aforesaid. Said bond or bonds shall be deposited with the county treasurer, and in case any conditions of the same shall be broken, the principal and sureties thereon shall also be jointly and severally liable for all damages that may be obtained against the principal or principals in any action under the provisions of this act. All moneys collected for the breaches of such bond or bonds shall be distributed as other funds arising from said dispensary. Said bond or bonds shall be approved as are other official bonds of the county. Said manager or managers shall receive a salary or salaries to be fixed by said commissioners, and his or their compensation shall in no wise be dependent upon the amount of sales.

Bond of managers.

Bond to be deposited with county treasurer.

Money collected for breaches of bond to be distributed as dispensary funds. Bond to be approved.

Salary of managers.

SEC. 4. Said dispensary commissioners shall make such rules and regulations for the operation of said dispensary as they deem best: *Provided*, said rules and regulations are in conformity to the provisions of this act, but in no event shall the manager or managers of said dispensary sell in any form except in packages sealed as aforesaid, and it shall be unlawful for said manager or managers to break any of such packages, or open the same for any reason whatever, and no person shall open said packages on the premises: *Provided*, this section shall not apply to malt liquors shipped in cases or bottles thereof, shipped in barrel, and such malt liquors may be sold by

Dispensary commissioners to make rules and regulations. Liquors to be sold only in sealed packages. Unlawful for manager to open package or for any person to open packages on premises. Proviso: Not apply to packages or bottles of malt liquors.

Proviso :
Malt liquors not
to be drunk on
premises.

Dispensary open
and liquors sold
only in daytime.

Proviso :
Days on which
dispensary
closed.

Prices of liquors.

Proviso :
All sales be for
cash ; profit lim-
ited to eighty
per cent.

Persons to whom
liquors may not
be sold.

Misdemeanor.

Penalty.

Power of mana-
ger or commis-
sioners to refuse
to sell.

Managers not to
allow loitering in
dispensary or
premises.
Manager allow-
ing loitering to
be removed.
Persons loitering
guilty of misde-
meanor.

Duties of town
authorities of
Louisburg,

No druggist to
sell liquors even
on prescription.

said manager or managers in such quantities, not less than one bottle, as he or they may see proper : *Provided*, the same shall not be drunk on said premises. The dispensary shall be open and said liquors shall be sold therein only in the day time under such rules as said commissioners may adopt : *Pro-vided*, the dispensary shall be closed on Sundays, election days, and such other days as said commissioners shall direct.

SEC. 5. The prices at which spirituous, vinous and malt liquors shall be sold shall be fixed by said commissioners : *Provided*, all sales shall be for cash and at a profit not exceeding eighty per cent. of the actual cost thereof.

SEC. 6. Said manager or managers of said dispensary shall not sell liquors to any minor or intoxicated person, nor to any person purchasing for the purpose of selling, bartering or exchanging said liquor within the limits of said township, and the manager or managers of said dispensary knowingly violating the provisions of this section, and any person purchasing from him or them for the purpose of re-selling, bartering or exchanging the same, shall be guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than \$50.00 nor more than \$200.00, or imprisonment in the county jail not less than thirty days, or by both fine and imprisonment in the discretion of the court. And if said manager or managers or commis-sioners become satisfied that any person has purchased or is purchasing for the purpose of re-selling, the said commissioners shall direct as to the quantity to be sold such person, or if they become satisfied that any person is indirectly purchasing repeatedly for the purpose of re-selling, said commissioners are authorized to direct the manager or managers not to sell to such person, except upon the certificate of a respectable physi-cian that such liquors are needed for medical purposes.

SEC. 7. The manager or managers of said dispensary shall not allow any person or persons to loiter in or about the dispensary or premises on which the same is situated, and for failure to comply with this section he or they shall be removed by said commissioners, and any person refusing to leave the dispensary when ordered to by the manager or managers shall be guilty of a misdemeanor.

SEC. 8. The mayor and board of town commissioners of said town of Louisburg shall from time to time pass such ordinances as may be necessary to carry out the provisions of this act, and shall provide suitable penalties for the violations of this act and the rules and regulations of the dispensary commissioners.

SEC. 9. No druggist in said township shall sell any spirituous, vinous or malt liquors, even upon the prescription of a licensed

physician. But the said druggist may purchase from the said dispensary spirituous and vinous liquors, but not malt, for the purpose of compounding medicines, tinctures and extracts, that cannot be used as a beverage, and for no other purpose whatever: *Provided*, that whenever the dispensary commissioners shall be satisfied that any druggist is selling, bartering, exchanging or in any manner disposing of said liquors for any purpose other than that authorized by this section, they, "The Commissioners," shall order the manager or managers of the dispensary to refuse to sell said druggist any more liquors, and such druggist shall upon conviction of selling, bartering, exchanging or in any manner disposing of liquors, shall forfeit his license and be liable to all the penalties, prosecutions and proceedings at law provided against persons selling without authority. That nothing herein shall be construed to authorize the manufacture or sale of any preparation or compound under any name, form or device, which may be used as a beverage or is intoxicating in its character.

Druggists may purchase for certain purposes.

Proviso:
Power of commissioners to refuse to sell to druggist.

Penalty on druggist for selling liquors.

No intoxicating compound which may be used as a beverage authorized.

SEC. 10. If any person shall make any false or fictitious statement in order to obtain liquor at said dispensary, the person so offending shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than \$1.00 nor more than \$25.00, or imprisonment in the county jail not less than three nor more than thirty days.

Misdemeanor to make false statement for purpose of obtaining liquor.

Penalty.

SEC. 11. Every person who shall directly or indirectly keep or maintain by himself, or by associating or combining with others, or who shall in any manner aid, assist or abet in keeping or maintaining any club room or other place in which intoxicating liquors are received or kept for use, barter or sale as a beverage, or for distribution or division among the members of any club or association by any means whatever; and every person who shall receive, barter, sell, assist or abet another in receiving, bartering or selling any alcoholic liquors so received or kept, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$100.00 nor more than \$500.00, or by imprisonment for not less than three months nor more than twelve months in the county jail.

Club rooms.

Misdemeanor.

Penalty.

SEC. 12. The mayor and board of town commissioners of said town, and the board of county commissioners of said county, shall appropriate from the respective public treasuries a sufficient amount of money to establish said dispensary as provided, for in this act, one-half of which amount shall be appropriated from the town treasury and one-half from the county treasury, and said amounts shall be repaid into the said

Town and county to pay for establishment of dispensary.

Appropriation for establishment repaid from profits of dispensary.

Dispensary supported from profits.	treasuries out of the profits arising from said dispensary and tereafter said dispensary shall be supported and maintained out of the profits arising from sales in said dispensary: <i>Provided</i> , that said mayor and board of town commissioners and board of county commissioners shall be authorized and are hereby required to appropriate at any time such sum as may be necessary to keep said dispensary in operation. If there should for any reason be no money in hand derived from the profits of the dispensary, such amounts being always repaid to said respective treasuries out of the first profits thereafter realized from the dispensary, said mayor and board of town commissioners and board of county commissioners are hereby authorized and empowered to make the appropriations herein provided for out of any money in the respective treasuries, and if necessary to levy and collect tax for that purpose.
Proviso: Town and county to make appropriation for support of dispensary if necessary.	
From what moneys appropriations made. Tax if necessary.	
Receipts of sales to be paid over weekly.	SEC. 13. The said manager or managers of said dispensary shall on Monday of each week pay over to the said dispensary commissioners all moneys received by him or them during the preceding week, and shall keep a strict account of all liquors received by him or them from said dispensary commissioners in books kept for that purpose, which shall at all times be subject to the inspection of said commissioners, or any citizen of said township, and such books shall show the amount and kind of liquors procured, the date of receipt and amount sold and the amount on hand of each kind for each month, and the said manager or managers shall make a report on the first Monday in each month to said commissioners, or oftener if required by them, showing the amount and kind of liquors received by him or them, and the amount of liquors sold by him or them during the preceding month and price received for same, and the amount and kind of liquors on hand on the last day of the preceding month. And said dispensary commissioners shall make quarterly reports to said board of control on the fourth Monday in March, June, September and December in each year, showing in detail the expenditures and returns from said dispensary and the net profits derived therefrom, and on the same day of said months said commissioners shall apportion said net profits, and pay one-fourth thereof to the county treasurer, to be applied to the school fund, and three-eighths ($\frac{3}{8}$) thereof to the town treasurer and ($\frac{3}{8}$) three-eighths thereof to the county treasurer. That part of the said net profits awarded the town at any time may be appropriated by the mayor and board of town commissioners to any purpose that they may lawfully appropriate money for, and the three-eighths ($\frac{3}{8}$) part awarded the county may be
Account of liquors to be kept.	
Managers to make monthly reports.	
Dispensary commissioners to report quarterly.	
Apportionment of dispensary profits.	
How profits awarded town appropriated. How portion awarded county appropriated.	

appropriated by the board of county commissioners to any purpose that they may lawfully appropriate money for.

SEC. 14. Every person holding any office or position of any kind under the charter of ordinances of the said town of Louisville and the county officers of Franklin county shall be ineligible for appointment as a dispensary commissioner or manager of said dispensary during the time for which he may be elected to such office or position, and all persons chosen as dispensary commissioners or manager of said dispensary under this act shall, for the time for which they are chosen, be ineligible to election to any office or position under said charter or ordinances or to any office in the said county: *Provided*, that the dispensary commissioners and manager or managers of said dispensary shall always be eligible to re-election.

Town and county officers ineligible as dispensary commissioners or managers.

Dispensary commissioners and managers ineligible as town and county officers. Dispensary commissioners and managers eligible to re-election.

SEC. 15. The dispensary commissioners shall give bonds with good and sufficient sureties, payable to the county treasurer, in such sums as may be fixed by said board of control, conditioned for the faithful performance of the duties of their office, and shall be paid for their services such sums as may be fixed by said board of control, which shall not be less than \$100.00 per annum.

Bonds of dispensary commissioners.

Pay of commissioners.

SEC. 16. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed, and that section 3111 of *The Code* is hereby repealed as to its application to this act.

SEC. 17. That this act shall be in force from and after the first day of July, 1897.

When act to take effect.

Ratified the 6th day of March, A. D. 1897.

CHAPTER 376.

An act to allow the town of Gastonia to vote a donation to the county of Gaston to be used in erecting a court house and jail in the town of Gastonia.

The General Assembly of North Carolina do enact:

SECTION 1. That if the board of commissioners of the town of Gastonia in this state desire that the said town donate funds to assist in the erection of a court house and jail for the county of Gaston in the town of Gastonia, they shall so declare by ordinance, in which shall be set forth the amount to be expended for that purpose, which shall not exceed the sum of twenty-five thousand (25,000) dollars, and shall also provide for the holding of an election to ascertain the will of the people as to issuing bonds for that purpose. The election shall be held not less than thirty days after the adoption of the said ordinance, and

Town commissioners to declare by ordinance.

What ordinance to set forth.

Election to be provided for. When election to be held and how conducted.

Ballots.

How result of election declared and certified.

Returns to be recorded on minutes of town.

On what conditions bonds to be issued.

When bonds to mature.

Bonds not to be sold below par. How proceeds expended.

the notice of the call for the said election and the manner of conducting the same shall be the same as is required by section two (2) of chapter one hundred and sixty (160) of the private laws of eighteen hundred and ninety-five (1895) amending the charter of the said town of Gastonia. and in such respects as are not therein provided for, the said election shall be held under the rules and regulations prescribed by law for elections by other municipal corporations. Those in favor of the said town issuing bonds for the purpose of raising funds to be used in erecting a court house and jail for the county of Gaston in the town of Gastonia, as set forth in the ordinance, shall vote a ticket on which shall be the words "For Donation," and those not in favor of the said town's issuing bonds for the purpose aforesaid shall vote a ticket on which shall be the words "Against Donation." The inspectors of election shall meet as soon as the poll is closed, and shall declare the result, and make and sign a certificate thereof, and deliver the same to the secretary of the board of commissioners of the said town, who shall record it in the minute book of said board. If a majority of the qualified voters of the said town of Gastonia shall have voted in favor of the town's making the donation as aforesaid, and if the people of Gaston county shall, in the manner directed by another and separate act of this General Assembly, express a desire that the county seat of Gaston county be removed from Dallas to Gastonia, the board of commissioners of the town of Gastonia shall issue coupon bonds of the said town for an amount not exceeding the amount designated in the ordinance aforesaid maturing in not more than thirty years, bearing interest not exceeding six (6) per centum per annum, in such denominations and payable at such places as the board may fix, and shall sell the said bonds for not less than par. The proceeds of the sale of the said bonds shall be expended by the said board of commissioners of Gastonia, under the direction of the board of commissioners of Gaston county, in the erection of a court house and jail for the county of Gaston in the town of Gastonia.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 377.

An act for the relief of J. P. Parks of Wilkes county.

The General Assembly of North Carolina do enact :

SECTION 1. That the treasurer of Ashe county is authorized and directed to pay J. P. Parks of Wilkes county the sum of nine dollars, the same being the amount due him for teaching a free public school in district number one (1) in Ashe county, during the month of January, 1896.

Treasurer of Ashe county to pay amount due for teaching school.

SEC. 2. This act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1897.

CHAPTER 378. •

An act authorizing the pay of registrars and judges of election.

The General Assembly of North Carolina do enact :

SECTION 1. That at all future elections, registrars and judges of elections shall receive one dollar (\$1.00) per day for each day of actual service as required by law ; and the person required to carry the returns and ballot boxes to the clerks of the superior courts, except the precinct in which the county site is located, shall be allowed one (\$1.00) dollar per day and five cents per mile one way for his services. That the allowance of one cent per name for registration of voters is hereby repealed, and the compensation herein allowed is in lieu thereof.

Pay of registrars and judges of election.

Pay of messengers carrying returns and ballot boxes.

Allowance for registration repealed.

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

SEC. 3. That this act shall only apply to the counties of Stokes, Graham, Cherokee, Vance, Rowan, Bladen, Davidson, Davie, Wake, Cleveland, Gaston, Mecklenburg, Dare, Granville, Beaufort, Surry, Lenoir, Warren, Montgomery, Cumberland, Pasquotank, Camden, Washington, Alamance, Buncombe, Northampton, Halifax and Hertford.

Counties to which act applies.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 379.

An act to authorize the commissioners of the counties of Swain, Clay and Macon to work on the public roads or to hire out the convicts of said counties.

The General Assembly of North Carolina do enact :

Commissioners of counties named to work convicts on roads.
 Proviso: No female to be worked on roads.
 Proviso: Corporal punishment forbidden.

SECTION 1. That the commissioners of the counties of Swain, Clay and Macon, be and are hereby authorized and empowered to work on the public roads any person who may be convicted of a misdemeanor and committed to the county jail: *Provided*, that no female be worked on the public roads: *Provided, further*, that the said authorities do not inflict any corporal punishment.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 380.

An act to protect the people of Swain county from damage by floating logs down the streams of said county.

The General Assembly of North Carolina do enact :

Unlawful to build booms or dams in Swain county without giving bond.

To whom bond given.

Sureties to be justified.

Violation of act a misdemeanor.

SECTION 1. That no person or company shall erect any boom, splash dam or dams of any other description on any stream in Swain county, for the purpose of floating logs down such stream, without first entering into a good, sufficient and justified bond in the sum of \$1,000, that such person or company shall pay to each and every owner of land along such stream all such damage as such landowner shall or may sustain by reason of such boom, splash dams or other dams so built. Said bond shall be given to the owners of land along said streams, naming said landowners in the bond, and shall have one or more sureties to be justified before the clerk of the court of said county and approved by him.

SEC. 2. Any person or company who shall build boom, splash dam or other dams in violation of section one of this act shall be guilty of a misdemeanor.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 381.

An act to repeal chapter 402, laws of North Carolina, acts of 1893, and to re-enact chapter 381, acts of 1889.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter 402, public laws of North Carolina, acts of 1893, be and the same is hereby repealed.

SEC. 2. That chapter 381, public laws of North Carolina, acts of 1889, be and the same is hereby re-enacted.

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

Ratified the 9th day of March, A. D. 1897.

Abolition of second week November term of Harnett court repealed.
November term of Harnett court.

CHAPTER 382.

"An act to extend the time for organization of the Lumberton and Lumber River Railroad Company."

The General Assembly of North Carolina do enact:

SECTION 1. That the time for beginning the construction of the Lumberton and Lumber River Railroad Company under the terms of its charter and amendments thereto is hereby extended two years from the ratification of this act.

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

Ratified the 9th day of March, A. D. 1897.

Time for beginning construction of railroad extended.

CHAPTER 383.

An act to repeal chapter 297 of the laws of 1895, so far as the same applies to Pender county.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and ninety-seven (297) of the public laws of one thousand eight hundred and ninety-five (1895), be and the same is hereby repealed, so far as the same applies to the county of Pender.

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

Ratified the 9th day of March, A. D. 1897.

Act authorizing elections for school tax repealed as to Pender county.

CHAPTER 384.

An act to protect deer and wild turkey in Moore county.

The General Assembly of North Carolina do enact:

Unlawful to chase or kill deer within four years.

SECTION 1. That it shall be unlawful for any person to hunt with a gun, or to chase with a dog or dogs, or in any manner kill or destroy any deer running wild within the limits of Moore county, at any time within four years from the ratification of this act, except it be within an enclosure, and in possession of said person.

Unlawful to trap wild turkeys or kill by baiting or blinds.

SEC. 2. That it shall be unlawful for any person to kill or destroy wild turkeys in Moore county by means of entrapping in pens, or killing by means of baiting and shooting from blinds.

Violation of act a misdemeanor.

SEC. 3. That any person who shall violate the provisions of either of the foregoing sections shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than twenty-five dollars, nor less than five dollars, or imprisoned not more than thirty days, for each and every such offence, at the discretion of the court.

Penalty.

How fine appropriated.

SEC. 4. That all fines imposed and collected, or arising from or by a violation of sections one and two of this act, shall be paid into the school fund, and apportioned, as such, to the public school of Moore county.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 385.

An act to create Roaring creek township in Mitchell county.

The General Assembly of North Carolina do enact:

Roaring creek township created.

Boundaries.

SECTION 1. That there is hereby created a township in Mitchell county to be known as "Roaring creek" township, and the boundaries of said township shall be as follows: Beginning at the river, so as to include Jack Carpenter, then up the main ridge above said Carpenter to top of Yellow mountain; then with top of mountain to top of Grassy ridge; then to top of Little Yellow mountain; then to Fire Scald; then to Double Head; then crossing the river above Wesley Benleson's lands; then with Mill Sholl ridge to Lick Log gap; then to top of Plumtree mountains; then crossing above John F. Johnson's to Haw

ridge; then to the beginning, containing one hundred and sixty-two (162) voters, and the voting precinct shall be at the mouth of Roaring creek. Voting precinct.

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 9th day of March, A. D. 1897.

CHAPTER 386.

An act to aid North Carolina rolling exposition.

The General Assembly of North Carolina do enact:

SECTION 1. That the agricultural department shall furnish to W. H. Ramseur and J. M. Moore, and associates, for use in exhibition, to be known as the North Carolina's rolling exposition, any sample of ore or other products of which there are duplicates in the state museum, or in possession or control of said department, and any other specimens or samples in said department, at the discretion of the commissioner of agriculture and the state geologist, upon the said Ramseur, Moore and associates executing and delivering to the commissioner of agriculture a satisfactory bond in an amount twice the value of said specimens or samples, conditioned for the safe keeping and return of said specimens and samples: *Provided*, the same shall not be destroyed by fire or some providential act.

Agricultural department required to furnish samples of one or other products of which there are duplicates. Other specimens to be furnished at discretion of commissioner and geologist. Bond for return of specimens furnished.

SEC. 2. That the said Ramseur and Moore, and associates, shall, on the payment of the money herein appropriated, convey to the commissioner of agriculture, in trust for the state of North Carolina, one-third ($\frac{1}{3}$) interest in the "North Carolina rolling exposition;" and should the same be abandoned, or not kept on exhibition for five (5) years, the car shall be sold at public auction and the proceeds of the sale be paid into the state treasury at Raleigh, North Carolina, and such of the exhibits as may be suitable shall be selected by the commissioner of agriculture and the state geologist for permanent exhibition in the state museum, the remainder to be sold with the car; and any surplus over the five thousand (\$5,000.00) dollars, after deducting all the expense to the state in securing the car and sale thereof, shall revert to the said Ramseur and Moore and associates. But should said car and contents be kept on exhibition for five (5) years, at different points, then and after the five years the

And their interest in exposition to be conveyed in trust for state.

Disposition of car if exposition abandoned.

Disposition of exhibits.

If car and contents kept on exhibition five years state to have no claim.

- state, or the said trustees for the state, shall have no claim on the said car exhibits, except such as have been furnished by the agricultural department, which shall be returned, but the same shall revert to and vest absolutely in the Ramseur, Moore and associates, their heirs, administrators, executors or assigns.
- Literature to be distributed. SEC. 3. That said Ramseur, Moore and associates shall, at all points visited by them, or either of them, with the "North Carolina rolling exposition," distribute such literature relating to the climate, resources, productions, &c., of the state of North Carolina as the commissioner of agriculture, the state geologist and the director of the experiment station may furnish them for this purpose, and in such manner as said officers may direct.
- All exhibits to be products of North Carolina. SEC. 4. That nothing shall be placed in the said car, as an exhibit, which has not been produced or found in the state of North Carolina.
- States to be visited. SEC. 5. That the said Ramseur, Moore and associates shall, with the said car containing the said exhibits, provided for above, visit various points in the following states, in each of which they shall travel and exhibit the car and contents during a period of not less than thirty (30) days, to wit: Pennsylvania, New York, New Jersey, Massachusetts, Ohio, Michigan, Indiana, Illinois, Minnesota, Wisconsin, Iowa, Missouri, Nebraska, Colorado and California, and in the following states during a period of not less than fifteen (15) days, to-wit: Maine, Vermont, New Hampshire, Connecticut, Rhode Island, Delaware, Tennessee, Kentucky, West Virginia and Maryland. all to be included in the five years above referred to. Nothing in this act shall be construed to require said Ramseur, Moore and associates to exhibit said North Carolina rolling exposition in such states or towns where license taxes are so high as to make such exhibits prohibitory. The said Ramseur, Moore and associates shall report to the commissioner of agriculture the time of entry and the time of leaving the states mentioned in this act.
- States in which exposition shall be on exhibit thirty days.
- States in which exposition shall be on exhibit fifteen days.
- Not to exhibit where license taxes too high.
- Reports made to commissioner of agriculture.
- Bond for performance of requirements of act. SEC. 6. For the faithful performance of the provisions of this act, the said Ramseur, Moore and associates are required to make, before collecting any of the moneys appropriated in this act, a good and lawful bond for the sum of five thousand (\$5,000.00) dollars to be deposited with the treasurer of the state of North Carolina, to be held by him for the period of five (5) years above referred to, as a guarantee of good faith on the part of the management of the "North Carolina rolling exposition," and as security against loss to the state by the financial failure of the promoters, and to prevent the sale of the car

on exhibit without the consent of the treasurer of the state of North Carolina.

SEC. 7. That said rolling exposition shall be in exhibitions at such expositions as are being held in aforesaid states, and at such other places as the directors may decide is most to the advantage of the state : *Provided*, that there shall be no cost or expense to the state whatever.

Exposition to be exhibited at expositions of other states.

Proviso:
This state to be at no expense.

SEC. 8. That this act shall be in force from and after its ratification.

Ratified the 9th day of March, A. D. 1897.

CHAPTER 387.

An act to establish an independent school district including a part of Mitchell, Burke and McDowell counties.

The General Assembly of North Carolina do enact:

SECTION 1. That for the better promotion of education, the Independent District, including Linville Falls and vicinity, and covering the point where the counties of Mitchell, Burke and McDowell corner and join, is hereby established.

The Independent district established.

SEC. 2. The boundary of said district shall be as follows : Beginning on top of Locust Knob of Linville mountain, and runs directly to the top of Onion Hill ; thence to the shortoff of Hump Back mountain ; thence with the ridge that divides the waters of Toe river from those of the North Fork of Catawba, to the gap at the head of Brushy creek ; thence eastward, including the house of Ezra Mace, the nearest route to Linville river, thence directly to the top of Jona's Bald Ground ; thence to the beginning.

Boundary.

SEC. 3. The board of education in each county referred to shall appoint one committeeman in that part of their county included in the Independent District, who shall register and report the number of pupils in his part of the district to the county superintendent of his own county only.

One committeeman appointed for each county. Each committeeman to report to his own county superintendent.

SEC. 4. A person having a certificate from either of the counties above named shall be eligible to teach in the Independent District, and having been employed, shall, at the end of his term, report to each of the three county superintendents the length of school term in the Independent District, and the number, sex and average daily attendance of pupils in that part of said district belonging to his (the superintendent's) own county. He shall receive part of his pay from each of the counties here

Person having certificate from either county eligible to teach.

Teacher to report to each county.

How teacher paid.

referred to, according to the number of pupils registered in that part of each included in the Independent District, and each of his three vouchers shall be payable only at the treasurer's office in the county where the money is due.

Blanks and registers furnished committeemen.

Money apportioned to district.

No money paid out except for teaching.

Duties not provided for governed by general law.

SEC. 5. The county superintendent of each county shall serve his committeeman in the Independent District with blanks and register, the same as he serves ordinary committees of three ; and in like manner the board of education shall notify him of the amount of money apportioned his district.

SEC. 6. No money due said district shall be paid out by any treasurer, except upon vouchers for teaching.

SEC. 7. In the discharge of all duties, not provided for in this act, the teachers and committeemen, in the Independent District, shall comply with the terms of the school law.

SEC. 8. This act shall take effect from and after its ratification.

Ratified the 9th day of March, A. D. 1897.

CHAPTER 388.

An act to keep the Catawba river open as a highway for floatage.

Preamble.

WHEREAS, it has been held by the Supreme Court of North Carolina that certain portions of the Catawba river and Johns river are floatable streams and navigable highways for the purpose of floatage, in which the public have rights paramount to those of the riparian proprietors ; and,

WHEREAS, it is the right and duty of the counties through which highways pass, or of which they constitute the boundaries, to provide for keeping them in proper condition to be used by the public ; now, therefore,

The General Assembly of North Carolina do enact :

Board of managers.

Duty.

SECTION 1. That the three chairmen of the boards of county commissioners of Burke, Caldwell and McDowell counties, together with John Cassels of Burke and Albert Corpening of Caldwell county, be and they are hereby constituted a board of managers, whose duty it shall be to provide for removing drift wood (that may gather at the shoals on said streams when the water is low, so as to obstruct fords used for public and private crossings or pond back the water) at any point on the Catawba river between the mouth of the South fork in McDowell county and the intersection of the lines of Burke and Catawba

counties on said river, and at any point on John's river between the crossing of the public road at Collettsville in Caldwell county and the mouth of said river.

SEC. 2. That it shall be the duty of the chairman of the board of commissioners of Burke county to call said board of managers together, to meet at some central point to be designated by said chairman on the second Tuesday of the month of April, one thousand eight hundred and ninety-seven (1897), or at any time thereafter on notice mailed to each of them a week before the time appointed for such meetings, and in the absence of any special provision in the by-laws for a time of meeting the chairman of the board of county commissioners of Burke county, who shall be chairman of said board of managers, may call said managers together on the second Tuesday of any month after the first meeting on like notice, and a majority of said managers shall at all times constitute a quorum for the transaction of business.

Chairman of commissioners of Burke to call meeting of managers.

Chairman of commissioners of Burke chairman of board of managers.

Quorum.

SEC. 3. That said board of managers shall be authorized and empowered, and it shall be their duty, to employ hands to keep said shoals clear and provide for paying them for their labor so hereinafter provided.

Board and duty of board to employ hands.

SEC. 4. That said board shall be empowered to fix a rate of charges as toll for the privilege of floating timber in said streams not to exceed ten (10) cents per log floated from any point on John's river to its mouth, not in excess of twelve and one-half ($12\frac{1}{2}$) cents per log from the intersection of the lines of McDowell and Burke counties on said river to the intersection of the line of Burke and Catawba counties with said river, and not to exceed five (5) cents for logs floated from the mouth of North Fork to intersection of said line on said river in Burke and McDowell counties: *Provided*, that for logs over fifteen (15) feet long the charges may be proportionately increased per foot.

Board to fix charges for floating logs.

SEC. 5. That it shall be the duty of said board to provide for ascertaining the number of logs floated between said points, and after paying for keeping the shoals as aforesaid and for ascertaining the number of logs floated, any residue of the fund arising from said toll shall be divided amongst said counties in proportion to the riparian ownership of the counties respectively in the three sections for which the maximum charges have been specified in this act.

Proviso:
Charges on logs over 15 feet long.
Board to ascertain number of logs floated.

Residue of tolls divided amongst counties.

SEC. 6. That upon ascertaining the number of logs floated on said rivers along each of said divisions as aforesaid, it shall be the duty of the said board of managers to apportion the amount due each of said counties and certify the sum to said boards of county commissioners; and it shall be the duty of each of said

Managers to apportion amounts due counties and report to commissioners.

Amounts found due to be assessed against logs.

Effect of copy of assessment certified and delivered to sheriff.

How funds received by Burke and Caldwell counties appropriated.

Proviso:
If bridge built by Burke county.

Amount accruing to McDowell county appropriated for bridges.

boards to order the amounts found to be due to their respective counties to be assessed against the owners of logs floated as a tax or toll, and a copy of said order of assessment duly certified and delivered to the sheriff of the county in which it is made or to the sheriff of any one of the three counties of Burke, Caldwell and McDowell, or of any other county in which any property belonging to the owner of the logs may be floated, shall have the force and effect of a judgment and execution for said amount and may be levied on the property of the person or corporation against whom the assessment is made by the sheriff, to whom it may be delivered, just as though it were an assessment of a tax entered on the tax-list delivered to him by the board of commissioners of the county for which he may have been elected.

SEC. 7. That so much of the funds received by the counties of Burke and Caldwell, as may remain after paying the sums due from said counties, estimated in proportion to the length of riparian ownership, for keeping the shoals of said rivers unobstructed, shall be devoted to defraying the expenses of building a high bridge across the Catawba, at the crossing of the road leading from Connelly's springs to Lenoir over said river, in such a way that each of said counties shall pay out of the fund coming to it out of said tolls one half ($\frac{1}{2}$) of the cost of such bridge: *Provided*, that if the commissioners of Burke county shall have built a bridge across said river at said crossing before a fund sufficient shall accrue from said tolls or charges for the privileges of floating logs, to pay the cost of constructing it, the fund accruing to said counties of Caldwell and Burke, after paying the cost of ascertaining the number of logs floated and of keeping obstructions off of said shoals, shall be appropriated to the payment of the sum expended by Burke county for its construction, in such a way that said county of Caldwell, out of the fund coming to it from said tolls, shall reimburse one-half ($\frac{1}{2}$) of the cost of said bridge and the residue shall be paid out of the net proceeds of said tolls or charges payable to Burke county.

SEC. 8. That the residue of the amount of tolls or charges so accruing to the county of McDowell shall, after defraying its proportion of the cost of ascertaining the number of logs floated and of keeping obstructions removed from its shoals, determined by said managers upon the principle aforesaid, be devoted to the building and repairing of high bridges across the said Catawba river at points in said county, where, in the judgment of the board of commissioners, such a bridge may be needed for the use of the public.

SEC. 9. That after defraying the cost of building a bridge at the road crossing between Connelly's Spring and Lenoir, as aforesaid, the fund accruing to Burke and Caldwell counties, if any, shall be devoted by the board of commissioners of each of said counties to repairing or building of high bridges over the portions of said rivers lying within their respective counties at such points as may be deemed by such board best for the public interest.

Residue of fund accruing to Burke and Caldwell counties appropriated to bridges.

SEC. 10. That this act shall be in force from and after its ratification.

Ratified the 9th day of March, A. D. 1897.

CHAPTER 389.

An act to amend chapter 156, laws of 1895, adding the counties of Nash and Wilson to criminal circuit.

The General Assembly of North Carolina do enact :

Nash and Wilson counties added to Circuit.

SECTION 1. That chapter 156 of the public laws of North Carolina of 1895 be and the same is hereby amended as follows, to-wit : Section number seventeen, by adding the counties of Nash and Wilson. For Nash county one term of court to begin on fourth Monday in January of each year ; and one term of court to begin on the second Monday in September in each year. For Wilson county one term of court to begin on the fourth Monday in March of each year, and one term of court to begin on the 4th Monday in August of each year.

Terms of court for Nash county.

Terms of court for Wilson county.

SEC. 2. That the Circuit Criminal Courts in the counties of Nash and Wilson shall have concurrent jurisdiction with the Superior Courts in all criminal actions, and shall be for one week only for each term of said courts.

Jurisdiction of courts.
Length of terms.

SEC. 3. That all laws and clauses of laws in conflict with this act is hereby repealed.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 390.

An act to protect fish in Jas. S. Mitchell's mill pond in Bertie County.*The General Assembly of North Carolina do enact :*

Unlawful to fish
with seines, nets
or other appli-
ances.
Violation of act
a misdemeanor.
Penalty.

Fines applied to
school fund.

Not applicable to
persons fishing
with hook and
line.

SECTION 1. That it shall be unlawful for any person or persons to fish in Jas. S. Mitchell's mill pond in Bertie county with seines, nets or other appliances for catching fish.

SEC. 2. That any person violating this act shall be guilty of a misdemeanor and on conviction before a justice of the peace shall be fined ten dollars for each offence.

SEC. 3. That said fine shall be applied to the public school fund in Bertie county.

SEC. 4. This act shall not apply to persons fishing with hook and line.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 391.

An act authorizing the treasurer of Bladen county to pay election officers.*The General Assembly of North Carolina do enact :*

Treasurer of
county authori-
zed to pay election
officers.

Amounts.

SECTION. 1. That the treasurer of Bladen county is hereby authorized to pay to each registrar and judge of election for the election held November the third, eighteen hundred and ninety-six (1896), the sum of one dollar and fifty cents, and to the persons who carried the returns to the county seat the sum of one dollar, and five cents mileage one way.

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

Ratified the 9th day of March A. D. 1897.

CHAPTER 392.

An act for the establishment of Graded Schools in the city of
High Point.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of alderman of the city of High Point, Guilford county, shall, on the first Monday of the month of May next ensuing, submit to the qualified voters of said town the question of establishing graded schools for both races in said town, and the question of issuing bonds for a sum not exceeding ten (\$10,000.00) thousand dollars for the purpose of buying a lot or lots and erecting thereon suitable school buildings. The said board of alderman shall give thirty days notice of said election in the High Point Enterprise, a weekly newspaper published in said town, and post the same at four or more public places in said town.

Question of establishing graded schools and issuing bonds to be submitted to voters.

Notice of election.

SEC. 2. That the said election shall be held under the same rules and regulations as govern the election for mayor and alderman, under the charter of said town, on said first Monday of May next, and the qualified voters of said town shall vote at said election tickets on which shall be written or printed the words "for schools and bonds" or "against schools and bonds," and the result of said election shall be ascertained and declared under the same rules and regulations as govern and determines the result of the election of mayor and alderman.

How and when election held.

Ballots.

How result ascertained and declared.

SEC. 3. That for the purposes and benefits of this act the city of High Point shall be a public school district for both white and colored, and is hereby named and designated as "The High Point Graded School District."

High Point graded school district.

SEC. 4. That if a majority of the qualified voters of said town shall vote at said election in favor of schools and bonds, it shall be the duty of "the board of school commissioners of the city of High Point," provided for by this act, and their successors, to levy annually a special tax not exceeding thirty-three and one-third cents on the one hundred dollars valuation of all the taxable property of said town, and upon the poll not exceeding one dollar, and said tax shall be collected annually by the tax collector as other taxes are collected.

Special tax if election result in favor schools and bonds.

Rate.

To be collected as other taxes.

SEC. 5. That it shall be the duty of said board of school commissioners of the said town to establish a graded school for white children and one for the colored children of said town, and apportion the funds derived from said special taxes or from any

One graded school for each race to be established.

Apportionment of funds.

other source whatever, between said graded schools for white and colored children, so as to equalize school facilities between the two races.

Bonds to be issued.	<p>SEC. 6. That it shall be the duty of the board of alderman of said town, and the said board of alderman is hereby authorized and fully empowered to issue coupon books of the city of High Point, not to exceed in amount the sum of ten (\$10,000.00) thousand dollars, and in denominations of not less than fifty (\$50.00) dollars, nor more than five (\$500.00) hundred dollars, bearing interest from date of bonds at a rate not to exceed the rate of interest allowed by the general laws, and payable semi-annually on the first day of January and the first day of July of each year until the said bonds are paid; that the said bonds shall be made payable at a time to be fixed by the said board of alderman and named therein, not to be less than ten nor more than thirty years from date thereof: <i>Provided, however,</i> that the said board of alderman of the city of High Point may divide said bonds into classes as they may determine, and have them mature at different convenient dates between the limits aforesaid. It is further enacted that said bonds and their coupons shall be numbered and the bonds shall be signed by the mayor of the city of High Point and countersigned by the treasurer of said town and have the corporate seal of said town affixed thereto, and the coupons thereto attached shall be signed by the mayor of said town, and that a full record of said bonds shall be kept by the secretary of said board of alderman.</p> <p>SEC. 7. That said bonds shall not be sold for less than their face value; that when issued said bonds shall be deposited with the treasurer of said town and shall not be delivered to any purchaser until the purchase money is paid in full and that the said treasurer and the sureties on his official bond shall be liable to account for and pay over the same as provided in this act. It is further enacted that the said treasurer shall keep separate from all other public moneys coming into his hands the moneys arising from the sale of said bonds, and the moneys thus arising from the sale of said bonds shall be expended and exclusively applied by "the board of school commissioners of the city of High Point" to the purchase of a suitable lot or lots and the erection thereon of suitable school buildings and the furnishing and equipping of the same for school purposes.</p> <p>SEC. 8. That the special taxes mentioned in article 4 of this act shall be paid over by the tax collector, after deducting such commissions as the board of school commissioners of said town shall allow him, to the treasurer of said town, and the said treasurer shall keep the moneys thus arising from special taxes separ-</p>
Amount and denomination.	
When bonds to become due.	
Proviso: Bonds may be classified.	
Bonds and Coupons numbered.	
Bonds to be signed by mayor and countersigned by treasurer.	
Coupons signed by mayor. Record of bonds.	
Bonds not to be sold below par.	
Bonds deposited with treasurer and not delivered to purchaser until paid for.	
Proceeds of bonds kept separate.	
How expended.	
Special taxes to be paid over to treasurer.	
Special tax to be kept separate.	

ate and apart from other public moneys which may come into his hands and shall pay out the same for the exclusive use and benefit of said graded school only upon the warrant or order signed by the chairman of said the board of school commissioners and the mayor of said town, and the treasurer shall pay out the money arising from the sale of said bonds only upon a warrant or order duly signed by the chairman of said board of school commissioners and the mayor of the town.

How paid out.

SEC. 9. That all public school funds derived from the state and county for the use and benefits of the public school districts of said town shall be paid to the treasurer of said town by the treasurer of Guilford county for the use and benefit of said graded schools, and the property both real and personal of said public districts shall become the property of said graded schools and shall be vested in the said board of school commissioners of the city of High Point in trust for said graded schools, and the said board of school commissioners for said town be and they are hereby authorized and empowered to sell the same either publicly or privately and apply the proceeds to said graded schools.

Money appropriated to public schools appropriated to graded schools.

Property of public schools to be property of graded schools.

Public school property may be sold and proceeds applied to graded schools.

SEC. 10. That for the purpose of this act there is created a board of school commissioners of the city of High Point, and this board shall consist of twelve members to be divided into three classes. The term of office of the first-class shall expire at the end of one year; the term of office of the second-class shall expire at the end of two years, and the term of office of the third-class shall expire at the end of three years, each class to date from the first Monday of May, eighteen hundred and ninety-seven. It is further enacted that J. C. Welch, F. N. Tate, W. H. Snow and D. C. Aldridge, be and they are hereby named and appointed in the first-class for the first year, beginning the first Monday of May, 1897; that W. H. Ragan, J. E. Cox, J. A. Lindsay and D. A. Stanton, be and they are hereby named and appointed in the second-class for the year beginning with the first Monday of May, 1897, and that W. P. Pickett, W. G. Bradshaw, E. A. Snow and William Tate be and they are hereby named and appointed in the third-class for three years beginning the first Monday of May, 1897; and it is further enacted that upon the expiration of the terms above named and fixed the board of alderman of the said town shall elect annually thereafter successors in each class for one, two and three years respectively.

Board of school commissioners created.

Members of board classified. Term of office of first class. Term of office of second class.

Term of office of third class.

Commissioners of first class.

Commissioners of second class.

Commissioners of third class.

Successors to board to be elected by aldermen.

SEC. 11. That the board of school commissioners of the city of High Point shall have entire and exclusive control of the said graded school, shall employ and fix compensation of officers and

Powers and duties of board of school commissioners.

teachers, shall make an accurate census of the school population of the said town as required by the general school law, and do all other acts that may be necessary, just and lawful for the successful management of said graded schools, and the board of school commissioners of the city of High Point shall be a body corporate under the name of the board of school commissioners of the city of High Point, with power to sue, to be sued, to plead and be impleaded, and by that name shall be capable of receiving gifts, grants, of making purchases, of buying, holding and selling property, both real and personal, of mortgaging, transferring and conveying property, both real and personal, for school purposes, of prosecuting and defending suits for and against the corporation hereby created; conveyances, mortgages and all other instruments to the said board shall be made to them and their successors in office, and all deeds, mortgages and other agreements affecting real estate and personal property shall be deemed sufficiently executed when signed by the chairman of the said board of school commissioners and the mayor of said town.

Board incorporated.

SEC. 12. That it shall be the duty of the said board of school commissioners to make annually on or before Tuesday after first Monday in May of each year, a full and complete report of their operations to the mayor of said town.

Corporate name.
Corporate powers.

SEC. 13. That the treasurer of the town and the tax collector shall, before entering upon the duties prescribed in this act, enter into bonds with good and sufficient security in such sums as may be fixed and approved by the board of school commissioners and the mayor of the town.

SEC. 14. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

SEC. 15. That this act shall be in force from and after its ratification.

Ratified the 9th day of March, A. D. 1897.

CHAPTER 393.

An act to extend the time for commencing work on the Cape Fear and Northern railroad.*The General Assembly of North Carolina do enact :*

SEC. 1. That chapter twenty-seven, (27) of the private laws of eighteen hundred and ninety-five (1895), re-enacting and extending chapter two hundred and ninety-two (292) of the private laws of eighteen hundred and ninety-three (1893), which re-enacted and extended chapter four hundred and eighty-two (482) of private laws of eighteen hundred and ninety-one (1891), be and is hereby re-enacted.

Act to extend time for beginning work on the Cape Fear and Northern railroad, etc., enacted.

SEC. 2. That the time for beginning work on this railroad shall be extended two years from the ratification of this act.

Time for beginning work on Cape Fear and Northern railroad extended:

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 394.

An act to amend and re-enact chapter one hundred and seventy-three, Laws of North Carolina for eighteen hundred and eighty-one, relating to the Marion and Asheville Turnpike.*The General Assembly of North Carolina do enact :*

SECTION 1. That sections one, two, three and four of chapter one hundred and seventy-three of the laws of eighteen hundred and eighty-one, shall be amended to read as follows: That Z. T. Phillips, of the county of Mitchell; John Gandy, of the county of McDowell, and W. N. Tipton, of the county of Yancey, be, and are hereby appointed commissioners, whose duty it shall be to locate and work, with the aid of an experienced and competent engineer, a turnpike road from Marion in McDowell county to Bakersville in Mitchell county, and from Spruce Pine in Mitchell county to Burnsville in Yancey county, and from Burnsville on Asheville road to Madison county line.

Commissioners.

Commissioners to locate and work road.

SEC. 2. Said turnpike road shall be twenty feet wide, and it shall nowhere have a grade steeper than one foot in sixteen. It shall be properly shaped and thoroughly drained by means of both side ditches and cross culverts, built of stone or other permanent materials, and bridges shall be floored over all

Requirements of road.

Specifications
furnished by
state geologist.

Commissioners
to supervise
work

Work to be ex-
amined by engi-
neer.

Road when com-
pleted to be part
of public road
system.

When work of
locating to be
commenced.

When construct-
ion to be com-
menced.

How labor ap-
portioned.

Watauga
stricken from
act.

Former require-
ments as to por-
tions of road
repealed.
Special tax for
Mitchell, Mc-
Dowell and
Yancey county.

Amount.

To be collected
as other taxes.

How applied.

streams where the ford crossings are not satisfactory, and in places where the surface of the road is such as to make it soft and miry in wet weather it shall be covered with a layer of gravel or broken stone, all such details of construction to be carried out in accordance with specifications furnished by the state geologist or state highway commission, if such be hereafter established by the state. The said commissioners shall supervise the construction of said turnpike, and at such intervals as the commission may deem advisable it shall have the turnpike examined by a competent and experienced engineer and shall see that the requirements specified in this and other sections of this act are not properly carried out. When in the opinion of the commission said turnpike is completed, it shall be received by the said commissioners, and it shall then become a part of the public road system in the respective counties.

SEC. 3. The commissioners provided for above, with their engineer, shall commence the location and marking out of said turnpike on or before the first day of April, eighteen hundred and ninety-seven, and the superintendent and convicts provided for in sections five and six of said act shall be on the ground, and shall begin the construction of said turnpike on or before the first day of May, eighteen hundred and ninety-seven, and the amount of labor to be performed on said turnpike road in each year shall be equally apportioned in building said road between the counties of McDowell, Mitchell and Yancey, until the same shall be completed.

SEC. 4. That section seven of said law be amended by striking the word "Watauga" in line two, and by changing line five so as to read for terms of thirty days or more. That section ten, line six, of said act be amended by striking out the word "Watauga." That section eleven be, and the same is, hereby repealed.

SEC. 5. The county commissioners of Mitchell, McDowell and Yancey counties shall, at such time and in such manner as may be provided for by law for the levying of other taxes, levy in their respective counties for the year eighteen hundred and ninety-seven and for each year thereafter until the completion of this turnpike, a tax of five hundred dollars in each of the said counties.

These taxes shall be collected as other taxes provided for by law, and shall constitute a special fund to be used for covering the expenses and salaries of the commissioners, surveyors and other necessary assistants, for the purchase of materials for the construction of bridges, for the hire of teams and for other necessary expenses connected with the location and construc-

tion of said turnpike and not otherwise herein provided for in this act. This fund shall be deposited with the county treasurers of the respective counties in which collected, to be accounted for and paid out by each of said county treasurers, on the order of at least two of the commissioners provided for in section 1 of this act, one of whom must be the commissioner from the county in which the money is to be paid.

Fund deposited
with county
treasurer.
How paid out.

SEC. 6. The pay of the commissioners and the surveyor provided for in section 1 of this act, during such time as they shall be actively engaged in the work of locating or supervising the construction of the turnpike herein provided for, shall not exceed two dollars der day each, to be paid in the county where the work is done, out of the fund collected for this purpose as provided for in section four of this act, and in the manner therein provided for.

Pay of commis-
sioners and sur-
veyor.

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

How payment
made.

Ratified the 9th day of March, A. D. 1897.

CHAPTER 395.

An act to prohibit the manufacture and sale of liquor near certain churches in the state.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for any person to manufacture, sell or otherwise dispose of, with a view to remuneration, any spirituous, vinous, malt or intoxicating liquors within certain distances of certain places, as follows :

Manufacture or
sale of liquors
prohibited in
certain locali-
ties.

Alleghany county: Within one mile of Saddle Mountain church; within one and one-half miles of Mount Carmel German Baptist church, one mile of Pleasant Home Baptist church.

Alleghany
county.

Alexander county: Within one mile of Bethel, Linney's Grove, and Beulah churches.

Alexander
county.

Alamance county: Within two miles of Clover Orchard.

Alamance
county.

Beaufort county: Within two miles of Upper and Lower school houses.

Beaufort county.

Anson county: Within one mile of public school house, district one, 3d division (white and colored).

Anson county.

Burke county: Within two miles of Erwin Chapel, Shiloh A. M. E. church, and Pleasant Grove.

Burke county.

Brunswick county: Within two miles of New Britton, and Jenny Branch, and New Life churches.

Brunswick
county.

- Caldwell county. *Caldwell county*: Within two miles of King's Creek, and Buffalo Cove Baptist church Buffalo Cove school house, Berea church, and Rocky Springs; within one mile of free school house (district 64).
- Catawba county. *Catawba county*: Within two miles of Timothy E. L. church, Barge's school house, district No. 28, school house for white race.
- Clay county. *Clay county*: Within two miles of Ledford's Chapel, Marshall's Chapel, Hickory Grove, and Bethel churches.
- Cherokee county. *Cherokee county*: Within two miles of Macedonia, Howassee, Grape Creek, Old Beaverdam, Unaka Methodist, Unaka Baptist, Ogreeta churches, Baptist and Methodist churches at Longridge, Davidson's chapel, Longridge school house, Martin's Creek church.
- Forsyth county. *Forsyth county*: Within one-half mile of Bunker Hill Methodist church.
- Gaston county. *Gaston county*: Within two miles of Lutheran Chapel, and Hephziba.
- Cleveland county. *Cleveland county*: Within two miles of Saint Paul's church, township No. 10, Saint Luke's Lutheran church.
- Henderson county. *Henderson county*: Within two miles of Beulah Baptist church, Gethsemane, and Holly Springs Baptist church.
- Jackson county. *Jackson county*: Within two miles of Addie school house.
- Granville county. *Granville county*: Within two miles Stovall Baptist church; within one and one-half miles Zion's church, Breed Love, and Mountain school house.
- Lincoln county. *Lincoln county*: Within one and one and one-half miles of Bethel Baptist church, and Laurel Hill church, and Matthews Camp Ground.
- Mitchell county. *Mitchell county*: Within two miles of Burlesues chapel, Bare Creek, Little Rock Creek, and Fork Mountain churches.
- Martin county. *Martin county*: Within two miles of Wares chapel, and Roanoke Grove churches.
- Macon county. *Macon county*: Within two miles of Briertown, Brush Creek, Clear Creek, Highlands, Ellijay, Coweta, Cartoogehaye, Flats of Middle Creek, Mountain Grove, Mount Hope, Oak Grove, Pleasant Hill, Pine Grove, Watauga, Clark's chapel, Lotla, and Burningtown churches.
- Madison county. *Madison county*: Within two miles of East Fork, Bethel, and New Prospect churches.
- Duplin county. *Duplin county*: Within two miles of Concord Baptist church.
- Montgomery county. *Montgomery county*: Within two miles of Watts Congregational church.
- Northampton county. *Northampton county*: Within one and one-half miles of Mount Zion church.

Pamlico county: Within two miles of Messic post office, Bethel, and Concord Baptist churches. Within one mile Trent Baptist church. Pamlico county.

Pasquotank county: Within one mile Ramoth Gilead, and Bethel churches. Pasquotank county.

Pitt county: Within two miles of Reedy Branch church. Pitt county.

Person county: Within two miles of Sure Baptist church. Person county.

Perquimans county: Within two miles of Woodville Baptist church. Perquimans county.

Polk county: Within one-half mile Fork Creek church. Within two miles of Bethlehem, Mamps Chapel, and Mill Springs churches. Polk county.

Orange County: Within two miles of Antioch, Clover Garden, and Orange Chapel churches. Orange county.

Randolph County: Within two miles of Ebenezer, Concord, Rehobath, Mount Zion, Mount Olivet, and White's Chapel churches, and Union M. E. Church, South. Randolph county.

Rowan County: Within one mile of Zion Methodist church, one-half miles of Corinth Baptist church, and Evangelical Lutheran church. Rowan county.

Stanly County: Within two miles of Canton, Oak Grove, Locust Level, Big Lick, and Kendall's Baptist churches; Salem, and Pine Grove Methodist churches; Prospect, and Ebenezer Baptist churches, and Zion Lutheran church; Willing's Port Lodge, Number 468, A. F. and A. M., Canton church. Within one and one-half miles of Richfield church. Stanly county.

Swain county: Within one mile of Forney's Creek, Cold Spring, and Antioch Baptist churches; Bryson City Methodist church, Whittier High School and Rock Creek church. Swain county.

Sampson county: Within two miles of Garland church; within one mile of Kendall Chapel; two miles of Oak Plain, and Trinity churches. Sampson county.

Onslow county: Within two miles of Catharine Lake Missionary Baptist church. Onslow county.

Stokes county: Within one mile of Mountain View Institute, and two miles of Friendship Baptist church. Stokes county.

Richmond county: Within two miles of Free School House (district number 29 white race). Richmond county.

Rockingham county: Within two miles of Sharon. Rockingham county.

Transylvania county: Within one and one-half miles of Tox-away Baptist church. Transylvania county.

Union county: Within two miles of Beulah Presbyterian, Shiloh, and Hampton X Roads Baptist churches; and Clarks-ville Camp Ground. Union county.

Rockingham county: Within two mile of Garrett's Grove. Rockingham county.

- Watauga county. *Watauga county*: Within two miles of Gap Creek Baptist church; within one mile of Shulls Mills, Watauga and Mount Ephraim Baptist churches; Henson's Chapel M. E. Church, South; fifth district School House, and School House (district 60).
- Yadkin county. *Yadkin county*: Within two miles of New Home, and Prospect Methodist churches.
- Polk county. *Polk county*: Within two miles of Sandy Spring Baptist church; New Hope M. E. church, South; New Horse public school-house white, in district 24. Saint Paul, Stony Knoll, and Mount Moriah churches; White Oak, Mill Springs, Bethlehem, and Muns chapel; within one-half mile of Fork Creek Baptist church.
- Wayne county. *Wayne county*: Within two miles of Casey's chapel, and Walnut Creek churches, in New Hope township.
- Wilkes county. *Wilkes county*: Within one mile of Rock Spring, and Cool Spring churches.
- Vance county. *Vance county*: Within two miles of Gillsburg Methodist Protestant church.
- Gaston county. *Gaston county*: Within one mile of Brunyton Baptist church, Stanley Creek Methodist church, Christ church, Stanley Creek Presbyterian church, Springfield church. Within two miles of Union church, Crowder's Mountain church, Clover Garden church, Orange chapel, Antioch church, Bessemer City church, Hickory Grove Baptist church.

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

Requirement of notice of applications for prohibitory law repealed. SEC. 3. That section 3111 of *The Code* be repealed so far as it conflicts with the provisions of this act.

SEC. 4. That all laws or parts of laws in conflict with this act be and the same is hereby repealed.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 396.

An act to put that part of a school district of Alamance county, lying within the corporate limits of the town of Gibsonville, Guilford county, North Carolina, in Gibsonville school district.

The General Assembly of North Carolina do enact :

SECTION 1. That the part of Alamance county lying within the corporate limits of Gibsonville, North Carolina, shall be and is hereby made a part of the school district of the town of Gibsonville. Addition to school district.

SEC. 2. The school committee of the said school district of Gibsonville shall include the children of school age in their annual report, and admit them to the public school in the said district. Children to be included in report of committee.

SEC. 3. That the citizens of said territory shall be eligible to serve as school committee in the said district of Gibsonville. Citizens eligible as school committee.

SEC. 4. The school committee of Gibsonville and the school committee of the adjoining school district in Alamance county may make other transfers of school children for the convenience of the people of the district of Alamance county who may desire such transfers: *Provided*, such transfers shall be by the consent of both committees, and be approved by the commissioners of Alamance county. Other transfers authorized.

Provided, that all the children of school age in that portion of the district lying in Alamance county shall receive their *pro rata* share of the school fund of that county which upon being paid into the treasury of Alamance county shall be forwarded by the treasurer of said county to the treasurer of Guilford county, who shall receipt for the same and place the same to the credit of said district. Proviso: Transfers by agreement of committees and consent of county commissioners.

SEC. 5. This act shall apply only to the white race, and shall be in force from and after its ratification. Proviso: Apportionment and transfer of school monies.

Ratified the 9th day of March, A. D. 1897. To apply only to white race.

CHAPTER 397.

An act to authorize the commissioners of Cumberland, Rockingham, Columbus, Johnston, Cleveland, Burke, Swain and Yancey counties to hire out convicts.

The General Assembly of North Carolina do enact:

Counties named authorized to hire out or otherwise employ convicts.

SECTION 1. That the county commissioners of Cumberland, Rockingham, Columbus, Johnston, Cleveland, Burke, Swain and Yancey counties, North Carolina, are hereby authorized and empowered to hire out or otherwise employ all such convicts from the courts of said counties to the best advantage of the counties, and they may organize a chain gang and employ a guard to control them; establish a convict camp, and in any way they may think proper to work the roads or streets of their respective county, town, or any other work or employment which may save cost to the county, by requiring the convicts to work out fine and cost.

Power to hire convicts to towns or make other arrangements.

SEC. 2. That said boards of commissioners may hire out convicts to the town authorities of their respective county towns, or make any other such arrangements as may be proper and right, in order to save cost and money to the tax payers, and the courts of said counties in all cases where a fine or imprisonment is imposed may order the convict to be hired out by the county commissioners until and for such a time as will pay all fines, cost and expenses of imprisonment, and until the counties are fully imbursed for the same.

Power of courts in imposing judgements.

SEC. 3. That no convicts shall be hired, sent or sentenced by any court to work outside of their respective counties.

Convicts not hired or worked outside of county.

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

Ratified the 9th day of March.

CHAPTER 398.

An act to change land grant number 1825.

The General Assembly of North Carolina do enact :

SECTION 1. That land grant number one thousand eight hundred and twenty-five (1825), in Swain county, be and the same is hereby changed so as to read beginning at a white oak on the trail leading to the "Haw Gap" and runs south one hundred and sixty (160) poles to a stake; thence west one hundred (100) poles to a stake; thence north one hundred and sixty (160) poles to a stake; thence east one hundred (100) poles to the beginning.

Land grant
changed.

Description of
land.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 399.

An act to incorporate the town of Farmer, Randolph county.

The General Assembly of North Carolina do enact :

SECTION 1. That the town of Farmer, in the county of Randolph, and state of North Carolina be, and the same is hereby incorporated by the name and style of "Farmer," and so far as may not be inconsistent with this act it shall have all the power and be subject to all the provisions of chapter sixty-two of *The Code* and the amendments thereto.

Town incorpor-
ated.

Corporate name.

Corporate
powers.

SEC. 2. That the incorporate limits of said town shall embrace all the town included in a boundary governed by a radius one-half mile from "Farmer Institute," in said town.

Corporate
limits.

SEC. 3. That the jurisdiction of the mayor of said town and the officers thereof for the purpose of police regulations shall extend in all directions one mile from the corporate limits.

Jurisdiction of
town officers.

The officers shall be a mayor and five commissioners and a town constable and such other police officers as the mayor and commissioners shall appoint.

Officers.

SEC. 4. That until the time of the first regular election and the qualification of the officers elected, the government of said town shall be vested in the following persons, to-wit: Dr. C. H. Lewis, mayor; N. W. Newby, L. Fuller, Gid Macon, W. H. Boone, Turner Vuncanon, commissioners.

Officers ap-
pointed until
first election.

SEC. That this act shall be in force from the day of ratification.

Ratified the 9th day of March, A. D. 1897.

CHAPTER 400.

An act to regulate the sale of spirituous and malt liquors in Columbus county.*The General Assembly of North Carolina do enact:*

Unlawful to
sell or manu-
facture liquors
in county.

Proviso:
Certain parts
of county
excepted.
Proviso:
Manufacture
and sale in
county of
brandy, wine
and cider, not
prohibited.

Violation of act
a misdemeanor.
Penalty.

When act to
take effect.

SECTION 1. That it shall be unlawful for any person to sell or manufacture any spirituous or malt liquors in the county of Columbus except as hereinafter provided.

SEC. 2. *Provided*, this act shall not apply to incorporated towns in said county of Columbus, nor to that territory in Fair Bluff township in said county lying on the south side of the Wilmington, Columbia and Augusta railroad: *Provided, further*, this act shall not prohibit any person from making brandy, wine and cider in said county and selling the same therein.

SEC. 3. Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and fined or imprisoned at the discretion of the court, or both.

SEC. 4. This act shall be in force from and after July 1st, 1897. Ratified the 9th day of March, A. D. 1897.

CHAPTER 401.

An act to prevent fishing in the waters of middle fork of French Broad river and its tributaries in Transylvania county.*The General Assembly of North Carolina do enact:*

Unlawful to fish
within two
years.

Violation of act
a misdemeanor.
Penalty.

SECTION 1. That it shall be unlawful for any person or persons to fish with hook, seine or otherwise within two years from the ratification of this act in the waters of middle fork of French Broad river or its tributaries in the county of Transylvania.

SEC. 2. That any person violating the provisions of section one of this act shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than five dollars nor more than twenty-five dollars at the discretion of the court.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 402.

An act for the purchase of Moore's Creek battle ground.

The General Assembly of North Carolina do enact:

SECTION 1. That, WHEREAS, the battle of Moore's Creek, Preamble.
one of the most important of the Revolution, fought on the
27th day of February, 1776; and,

WHEREAS, the said battle was of great importance in the
struggle for independence; and,

WHEREAS, the monument erected by patriotic citizens to
perpetuate the fame of said battle and the lands donated by a
generous public are sadly neglected;

Now, therefore, to commemorate this historic event and to
preserve the grounds, monuments, graves and earth-works, it is
enacted by the General Assembly that a sum not to exceed two
hundred dollars be and the same is hereby appropriated for the
purpose of purchasing the said battle ground and site, not to
exceed ten acres.

SEC. 2. That the secretary of the state of North Carolina is
hereby instructed to make said purchase, and to take a deed
therefor to the governor of North Carolina and to his successors
in office, to be perpetually held as a public park in memory of
said battle. Secretary of
State to make
purchase.
Deed to Gov-
ernor and suc-
cessors.

SEC. 3. That our senators and representatives in the Congress
of the United States are hereby requested to secure an appro-
priation from the general government sufficient to beautify and
preserve this historic battle ground, and keep in constant
repair the said grounds. Senators and
representatives
in Congress to
secure appro-
priation.

Ratified the 9th day of March, A. D. 1897.

CHAPTER 403.

An act to correct grant No. 249, Swain county.

The General Assembly of North Carolina do enact:

SECTION 1. That land grant No. 249, Swain county, be and
the same is hereby corrected so as to read 4° E. instead of 4°
west. Correction of
course.

SEC. 2. That this act shall be in force from and after its rati-
fication.

Ratified the 9th day of March, A. D. 1897.

CHAPTER 404.

An act to protect game in the county of Tyrrell.*The General Assembly of North Carolina do enact :*

Close season for deer.

SECTION 1. That it shall be unlawful to kill, capture or hunt with dog or gun, or offer for sale, or buy any deer in the county of Tyrrell between the fifteenth day of February and the first day of August of each year.

Unlawful for non-resident to hunt without permission.

SEC. 2. That it shall be unlawful for a non-resident of Tyrrell county to hunt on any land in said county of Tyrrell without permission of owners of said lands.

Bounty for bears killed in county.

SEC. 3. That the commissioners of said county of Tyrrell may pay two dollars for each bear killed in said county.

Violation of act a misdemeanor. Penalty.

SEC. 4. That any person violating this act shall be guilty of a misdemeanor and punished by a fine of fifty dollars or imprisoned for not more than ten days.

Former deer law repealed.

SEC. 5. That so much of chapter four hundred and forty-three as relates to deer is repealed.

SEC 6. That all laws and parts 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 9th day of March, A. D. 1897.

CHAPTER 405.

An act for the relief of landowners in the county of Chatham.*The General Assembly of North Carolina do enact :*

Unlawful to hunt birds without permission of land owner.

SECTION 1. That it shall be unlawful for any person or persons, with gun or dog, to hunt bird upon any cultivated or cleared lands in Chatham county, without first having received permission so to do from the owner of said lands or his authorized agent.

Violation of act a misdemeanor. Penalty.

SEC. 2. That a violation of the provisions of this act shall constitute a misdemeanor, and the offender, upon conviction, shall be fined not more than ten dollars, or imprisoned not more than ten days.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 406.

An act to authorize the school committee in public school district No. 13, in the county of Yancey, to use the public school fund of said district for the year 1896 for the purpose of erecting a joint school and church house in said district.

The General Assembly of North Carolina do enact:

SECTION 1. That the school committee of district No. 13, public schools of Yancey county be, and are hereby authorized and empowered to use the amount of public school fund belonging to said district and now in the county treasury for the year 1896 in the erection of a house in said district to be used jointly as a public schools and union church house.

School fund of 1896 to be used in building house to be used as school house and union church.

SEC. 2. That no money under the condition of section 1 of this act shall be paid upon the order of said committee for the purposes therein named until a good title to the land upon which said house is to be erected shall have been approved by the clerk of the superior court of Yancey county and the same filed in the office of the register of deeds for said county.

Title to land to be approved.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 407.

An act to amend sec. 5, chapter 214, public laws of 1893, prescribing the salary of Supt. Board of Health.

The General Assembly of North Carolina do enact:

SECTION 1. That the superintendent of health, provided for in section five (5), chapter two hundred and fourteen (214), of the public laws of 1893, shall hereafter be elected by the board of county commissioners.

Superintendent of Health to be elected by county commissioners.

SEC. 2. That the salary of the county superintendent of health shall be fixed by the board of county commissioners to be not less than one hundred dollars nor more than four hundred dollars: *Provided*, that the salary shall not be reduced during the term for which such officer may have been elected.

Salary.

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

SEC. 4. That this act shall apply to the counties of Warren, Wake, Yadkin, Chatham and Halifax.

Counties to which act applies.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 408.

An act to amend chapter 251 of the public laws of 1895.

The General Assembly of North Carolina do enact:

Act to prevent
spread of disease
among hogs
extended to
Chatham county.

SECTION 1. That chapter 251 of the public laws of 1895 be amended by adding after the word "county" in line second of section 1 the words "and of Chatham county."

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 409.

An act to review and improve public roads in Surry county.

The General Assembly of North Carolina do enact:

County commis-
sioners to
appoint road
commissioners.

SECTION 1. That the county commissioners of Surry county shall appoint three citizens of Surry county road commissioners to review, lay off and change the grade where in their opinion it is necessary on the public roads in Surry county as follows: First, the road from the Stokes county line near Westfield, by way of Mt. Airy to Low Gap via the new road; and second, the road leading from Dobson via the new road, by way of Mt. Airy to the Virginia line, known as the Willis Gap road, and to make and designate such changes and alterations as they may deem expedient and proper to improve the grade of said roads: *Provided*, That any other roads may, upon petition of citizens and approval of said commissioners, be improved in the same manner as herein described.

Roads to be
reviewed.

Proviso:
Other roads to be
worked.

Convicts of
Surry, Alleghany
and Wilkes to be
worked on road.

SEC. 2. That all persons who shall be convicted of any criminal offence in any of the courts of Surry, Alleghany and Wilkes counties, and in consequence thereof be sentenced to imprisonment in the county jail for a term less than two years, shall on application of the board of county commissioners be delivered by the sheriff of said counties to said commissioners or their agents or appointees for the purpose of working on said roads 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.

Penalty for
escape.

Fines imposed
in Surry county
to be worked out
on road.

SEC. 3. That if any person in Surry county 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 mentioned in this section shall escape he shall, on conviction, be punished as provided for in section two of this act.

Penalty for escape.

SEC. 4. That it shall be the duty of the county commissioners of Surry county to furnish such tools and materials as are necessary for making, working and blasting on said roads, and also the necessary huts and guard for the convicts at work thereon: *Provided, further,* that said convicts while engaged at work on said road shall be furnished by the jailer with three meals per day.

Commissioners of Surry to furnish tools and materials.
And huts and guard for convicts.
Proviso:
Jailer to furnish meals for convicts.

SEC. 5. That if any of the commissioners herein named decline to act at any time the vacancy shall be filled by the appointment of the board of county commissioners.

Vacancies on road commission.

SEC. 6. That after discharging their duties under this act said three commissioners shall make a report of their work itemized and in detail to the board of county commissioners of Surry county, and in said report they shall state what damages each person through whose lands the said alterations have been made has sustained by reason of such change, and said commissioners in arriving at such damages shall have a right to take into consideration the benefits of such changes to such landowners, and such damage in each case shall be paid to each landowner by the county, and the county shall pay said road commissioners for all the time spent by them in reviewing, laying off and changing the grade of said roads an amount not to exceed one dollar and fifty cents per day to each commissioner for the time actually spent in the performance of their duty under this act, to be paid, whenever said commissioners shall file their report with the board of county commissioners.

Road commissioners to make report.

What to be stated in report.

County to pay damages to land owners.

County to pay road commissioners.

Amount.

When to be paid.

SEC. 7. That the road commissioners may at their discretion, when asked for by twelve landowners, living in the immediate neighborhood of the proposed changes, lay off and change the grade of any other road in Surry county, and all such hands that may be liable as provided for in the following section, shall receive for all time over three days seventy-five cents per day, for actual time of ten hours while on the road and said amount shall be paid in the way of a credit on county taxes and no other, and a certificate from the road overseer, countersigned by the county commissioners shall be received as a credit on tax receipts of persons performing such labor and no other.

Road commissioners to lay off other roads on petition.

Pay for road work.

How paid.

SEC. 8. That the board of county commissioners shall have power and it shall be their duty to call out the hands in the county living within three miles of the change made on any road by a straight line to aid in constructing and making said roads according to the alterations of said commissioners hereinbefore

Person subject to work on changed road.

Amount of work required.

How changes
made.

named; time not to exceed 10 days in each year, and the said board of county commissioners shall order such changes to be taken charge of by the overseers of each respective section of road so changed.

Penalties for
failure to work
on roads.

SEC. 9. That all hands subject to road duty under existing laws, and subject to work on said roads, according to the provisions of this act, shall be liable to all penalties and laws now in force or that may be in force for failing to work on public roads.

Quorum of road
commissioners.

SEC. 10. That a majority of the said three commissioners shall at all times constitute a working quorum, and such majority shall have power to lay off said roads and perform all such other acts as are provided for under this act.

Road commis-
sioners to be
sworn.

SEC. 11. That said commissioners shall before entering upon their duties take an oath before some justice of the peace of Surry county to faithfully discharge their duty under their oath.

SEC. 12. That all laws conflicting with this act are hereby repealed.

SEC. 13. That this act shall be in force from and after its ratification.

Ratified the 9th day of March, A. D. 1897.

CHAPTER 410.

An act to establish a dispensary for the town of Rutherfordton.

The General Assembly of North Carolina do enact:

Dispensary com-
missioners to be
elected.

SECTION 1. That as soon as practicable after the passage of this act the members of the board of county commissioners and the manager and members of the commissioners of Rutherfordton are hereby authorized and empowered to elect five dispensary commissioners, three of whom shall be residents of the town of Rutherfordton, none of whom are addicted to the use of intoxicating liquors, one to serve for one year, one to serve for two years, one to serve for three years, one to serve for four years, and one to serve for five years, and their successors shall be, as the terms of office of each expires, nominated by those whose terms have not expired at the time of such nomination, the said nomination to be approved by the commissioners of

Qualifications.

Terms of office.

How successors
nominated and
by whom
approved.

Rutherford county and the mayor and commissioners of Rutherfordton, and if said nomination be rejected the said dispensary commissioners whose terms have not expired shall continue to nominate until such nomination is approved. Vacancies occurring in said board of dispensary commissioners otherwise than by expiration of the term shall be filled by the remaining members of said dispensary commissioners for the unexpired term.

How vacancies filled.

SEC. 2. The dispensary commissioners herein provided for, when so elected, may and they are hereby empowered to establish in some public place in the town of Rutherfordton on Main street a dispensary for the sale of spirituous, vinous and malt liquors. They shall from time to time elect a citizen of said county to be known as the manager of said dispensary, who shall have charge of said dispensary under the control and supervision of said dispensary manager. The said manager to be chosen by said dispensary commissioners for such term as they shall see proper and may be removed by them at any time for what they shall deem a sufficient cause. Said manager shall be required to give a good and sufficient bond, with at least two sureties who shall justify the same, said bond to be in the sum of five hundred dollars, to faithfully perform the duties required of him by this act, and to account for all moneys which shall come into his hands as such manager, and pay them over as prescribed in this act. He shall receive for his services such compensation as the dispensary commissioners shall fix and allow: *Provided*, that his compensation shall not be dependent upon the sales he may make or the amount of business done, but the same shall be a fixed and definite sum.

Dispensary to be established.

Dispensary commissioners to elect manager.

Term of office.

Removable for cause.
Bond of manager.

Compensation of manager.

SEC. 3. Said manager shall be a man of sober habits, and not addicted to the use of intoxicating liquors, and he shall, under the supervision of said commissioners, purchase and at all times keep on hand a stock of spirituous, vinous and malt liquors in such quantities as said commissioners may direct, and all bills incurred for the establishment and maintenance of said dispensary and purchase of stock from time to time shall be paid by the treasurer of Rutherfordton upon presentation of such bills, endorsed by the order of said manager and approved by a majority of the dispensary commissioners. Said manager shall sell only for such and shall turn over all moneys received by him to the treasurer of the town on Saturday of each week, and the said treasurer shall keep a separate account of such manager.

Qualification.

Manager to purchase and keep liquors.

How bills to be paid.

How manager to sell.
To settle weekly.

SEC. 4. The dispensary commissioners shall make rules and regulations for the conduct and operation of said dispensary in

Rules and regulations to be prescribed by

dispensary commissioners.

accordance with this act. No sale shall be made of any quantity less than one-half pint. No spirituous, vinous or malt liquors shall be allowed to be drank on the premises where such dispensary is located; none shall be sold to a minor under twenty-one years of age, nor to any person under influence of liquor, nor to a habitual drunkard, nor to one who has ever been a confirmed drunkard, nor to any person for such. The dispensary shall not be opened nor any spirituous, vinous or malt liquors be sold before sunrise, nor after sundown, nor on Sunday, nor any legal holiday, nor election day, nor to any person, nor in any manner nor at any time forbidden by the general statutes of the state, and said manager shall be bound by the general laws of the state.

Prices not to exceed 80 per cent. above cost.

SEC. 5. The prices at which spirituous, vinous or malt liquors shall be sold shall be fixed by the dispensary commissioners not to exceed eighty per cent. above cost.

Liquors sold only in sealed packages.

SEC. 6. No spirituous, vinous or malt liquors shall be sold from said dispensary except in sealed packages, nor shall any unsealed or broken packages be kept in said dispensary, and whenever any package is broken it shall at once be rebottled and sealed.

Monthly reports of manager.

The manager shall make a monthly report to the dispensary commissioners, showing the amount of sales for the preceding month, and stock on hand at date of said report, the cost of all purchases, and the amount of profit and sales.

Inspection and analysis to be made.

SEC. 7. The dispensary commissioners shall cause an inspection and analysis to be made of the stock on hand from time to time by a competent chemist, and no liquors of any kind shall be sold in said dispensary that are not well known in the market to be pure and unadulterated. If any of liquors are found to be impure by such analysis the same shall not be sold by the manager, but may be returned to the person from whom the same were purchased, and the same shall not be paid for.

Impure liquors to be returned and not paid for.

SEC. 8. No spirituous, vinous or malt liquors shall be purchased from said dispensary for the purpose of selling again, and the commissioners are required to make such rules as to prevent the same, and may, when such re-selling is suspected, require the manager to sell to such person suspected of re-selling in small quantities only on a physician's certificate.

Liquors not to be purchased from dispensary for resale.

Sales to persons suspected of reselling. Loitering in or about dispensary forbidden. Manager allowing loitering removed. Town ordinances for management of dispensary and enforcement of act.

SEC. 9. The manager shall not allow any person to loiter in or about the dispensary, or the premises on which the same is located, and on failure to comply with the provisions of this section the manager shall be removed by the commissioners.

SEC. 10. The mayor and board of commissioners of Rutherfordton may enact such by-laws as may necessary for the

control and government of the dispensary and police regulations for the enforcement of this act as are consistent with the provisions of the same.

SEC. 11. The mayor and board of commissioners of Rutherfordton are authorized to appropriate from the town treasury a sufficient sum to establish the dispensary as provided for in this act which shall be repaid to said treasury by the profits of the dispensary, and thereafter the dispensary shall be supported and maintained out of the proceeds of sales by said dispensary.

Appropriation by town for establishment of dispensary.

To be repaid from profit. Dispensary maintained from proceeds of sales.

SEC. 12. The manager and dispensary commissioners, shall annually on 4th day of March make full report of the sales and purchases and amount of net profits for the preceeding year, and file one copy thereof with the mayor of Rutherfordton and one with the county commissioners of Rutherford county, and the net profits shall be equally divided between the town of Rutherfordton and the county of Rutherford, and paid to the treasurers of said town and county respectively by the manager on the order of the dispensary commissioners.

Annual report of manager and dispensary commissioners.

How profits divided.

SEC. 13. No person holding an office under the county of Rutherford or the town of Rutherfordton shall be eligible to act as dispensary commissioner or manager.

County or town officers not eligible as dispensary commissioner or manager.

SEC. 14. That this act shall not have the effect of repealing any law affecting the right to sell liquors in the county of Rutherford, or any local prohibitory law except so far as to modify the same so as to conform to this act.

Effect on former laws.

SEC. 15. That this act shall not go into effect until the same is submitted to and endorsed by the qualified voters of the town of Rutherfordton, and in order to ascertain the will of the people of said town it shall be the duty of the commissioners of said town on the request of fifty of said voters to order an election to be held therein under the laws governing the election of town officers, and all persons desiring to vote for a dispensary under the provisions of this act shall vote a ballot on which is printed or written the words, "for dispensary," and those opposing the same shall vote a ballot on which is printed or written the words, "against dispensary;" and if, upon the ascertainment of the result of said election, it shall appear that a majority of the qualified voters of said town have voted for "dispensary," then this act shall become operative and go into effect; but if a majority of said qualified voters fail to vote for dispensary, then this act shall be in operation.

Act not to take effect until endorsed by voters of town.

Election to be ordered.

Ballots.

SEC. 16. This act shall be in force from and after its ratification, subject to the provisions in preceding section.

When act to take effect.

Ratified the 9th day of March, A. D. 1897.

CHAPTER 411.

An act to prohibit the sale of intoxicating liquors in certain localities.*The General Assembly of North Carolina do enact:*

Unlawful to
manufacture or
sell liquors in
certain localities.

SECTION 1. That it shall be unlawful for any person to manufacture, sell or otherwise dispose of, with a view to remuneration, any spirituous, vinous, malt or other intoxicating liquors within certain distances of certain places, as follows:

In Alamance
county.

Alamance county: Within two miles of the Big Falls Christian church.

In Burke county.

Burke county: Hartland chapel, within one-half mile.

In Cleveland
county.

Cleveland county: Within two miles of Sandy Plains Baptist church and Mt. Pleasant Baptist church.

In Cumberland
county.

Cumberland county: Within three (3) miles of King Hiram lodge hall, No. 466; Bluff Presbyterian church, McMillon's chapel, Tabor church, and Centre Baptist church, and the public school house in district No. 1 in Flea Hill township.

In Caswell
county.

Caswell county: Within two miles of Gilead Presbyterian church.

In Gaston
county.

Gaston county: Within two miles of Cherryville Baptist church and St. John's Evangelical Lutheran church.

In Guilford
county.

Guilford county: Within three miles of Muir's chapel, New Garden Friends church, situated at Guilford college, and Deep river meeting house (Friends), and within two miles of Burnett chapel and Concord church, both in Sumner township.

In Iredell county.

Iredell county: Within two miles of the New Sterling Associate Reform Presbyterian church and the Mount Herman Evangelical Lutheran church.

In Mecklenburg
county.
In Orange
county.

Mecklenburg county: Within three miles of Bethel church.

Orange county: Within two miles of Antioch church, Clover Garden church and Orange chapel.

In Pamlico
county.

Pamlico county: Within three miles of the Pamlico Male and Female Institute.

In Richmond
county.

Richmond county: Within three miles of Milton chapel, within four miles of Mark's Creek Presbyterian church.

In Rockingham
county.

Rockingham county: Within two miles of Midway Methodist Protestant church, Sharon church, and Garrett's Grove church (colored), and Happy Home Christian church.

In Rowan
county.

Rowan county: Within two miles Crescent Academy and Business Institute.

In Vance county.
Provido:
Not to apply to
Henderson.

Vance county: Within two miles of the Henderson Cotton Mills: *Provided*, this shall not apply to any part of the town of Henderson.

Wilson county: Within two miles of Free Will Baptist church at Saratoga. In Wilson county.

Wilkes county: Within two miles of Mount Pleasant Baptist church; one (1) mile New Hope Baptist church, Miller's Creek Methodist church, Oak Wood church; Beaver Creek Baptist church, and Beaver Creek Adventist church one and (1½) one-half miles. In Wilkes county.

Warren county: Within one mile of Littleton Female College: *Provided*, that this act shall not conflict with the Littleton dispensary act. In Warren county. Proviso: Not to conflict with dispensary act.

SEC. 2. That it shall be unlawful for any person to sell or otherwise dispose of, with a view to remuneration, any spirituous, vinous, malt or other intoxicating liquors within certain distances of certain places, as follows: Unlawful to sell liquors in certain localities.

Bladen county: Within two miles of Wesley chapel. In Bladen county.

Cabarrus county: Within three miles of St. John's Lutheran church.

Craven county: Within two miles of any of the four churches near Cove in said county, also within the town of Cove, within two miles of Piney Grove A. M. E. church, Pilgrims Rest Christian church, Michell's chapel A. M. E. church. In Craven county.

Durham county: Within two miles of West Durham M. E. church, South: *Provided*, this shall not apply to any part of incorporated town. In Durham county. Proviso: Not to apply to incorporated town.

Franklin county: Within two miles of Perry's chapel. In Franklin county.

Halifax county: Within two miles of Central Cross church. In Halifax county.

Iredell county: Within two miles of Trinity M. E. church, South. In Iredell county.

Pitt county: Within three miles of Bethlehem Methodist church. In Pitt county.

Surry county: Within one mile of Flat Rock school house. In Surry county.

SEC. 3. That it shall be unlawful for any person to sell any liquors, wines or other intoxicating drinks within four miles of Stump Sound church in Onslow county. Unlawful to sell liquors within 4 miles of Stump Sound church.

SEC. 4. That it shall be unlawful for any person to sell any spirituous, vinous, malt or other intoxicating liquors in the town of Edwards Mill in Beaufort county. Unlawful to sell liquors in town of Edwards Mill.

SEC. 5. That it shall be unlawful for any person to sell or otherwise dispose of, with a view to remuneration, during religious exercises, or on days when services are being held in the following named churches, and the sessions of the public schools in the following school houses, any spirituous, vinous, malt or other intoxicating liquors within two miles of the following churches and school-houses in Ashe county, viz.: Unlawful to sell liquor within two miles of certain churches and schools during religious services or sessions of school.

Center Primitive Baptist church, Horse Creek Primitive Bap-

tist church, Sabbath Home M. E. church, Apple Grove Missionary Baptist church, Mount Zion church, Graybeal's chapel, White Oak school house and Long Branch school house.

Unlawful to sell or manufacture liquors in Columbus county after 1st of July 1897.
Proviso:
Parts of county excepted.

Columbus county: That it shall be unlawful for any person to manufacture, or sell any spirituous or malt liquors in the county of Columbus on and after July 1st, 1897: *Provided*, this act shall not apply to any incorporated town in said county, nor to that part of Fair Bluff township in said county on the south side of the Wilmington, Columbia and Augusta railroad, nor shall it apply to the manufacture and sale of wine and cider in said county Columbus, nor to the manufacture of fruit brands therein.

Violation of act a misdemeanor.
Penalty.

SEC. 6. That any person violating any of the provisions of this act shall be guilty of a misdemeanor and fined or imprisoned, or both, in the discretion of the court.

Secretary of state authorized to print act.

SEC. 7. That the secretary of state is authorized to have this act printed separately if he deem it necessary for the information of citizens.

Repeal of law requiring notice of applications for prohibition law.

SEC. 8. That section 3111 of *The Code* is hereby repealed, in so far only as this act is concerned.

SEC. 9. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed, and this act shall be in force from and after its ratification.

Ratified the 9th day of March, A. D. 1897.

CHAPTER 412.

An act to incorporate Blackwell's chapel and others in Brunswick County.

The General Assembly of North Carolina do enact:

Unlawful to sell or manufacture liquors within the specified distances of churches named.

SECTION 1. That it shall be unlawful to sell or manufacture malt, spiritous or vinous liquors within three miles of Blackwell's chapel in Brunswick county; Gilboa church in Rutherford County, and within two miles of Mt. Vernon church in Rutherford county.

Violation of act a misdemeanor.
Penalty.

SEC. 2. That any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction fined not more than fifty dollars or imprisoned not more than thirty days or both in the discretion of the court.

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

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 413.

An act to allow the commissioners of Bladen county to compromise and settle with the sureties of J. M. Benson, late treasurer of said county.

The General Assembly of North Carolina do enact :

SECTION 1. That the board of commissioners of Bladen county may receive from any one of the sureties of John M. Benson, former county treasurer of said county, such sum or sums as may be agreed upon by said board and said surety or sureties in full satisfaction and payment of the judgment against said Benson and sureties, as to the surety or sureties who shall settle and pay the amount so agreed upon.

Commissioners of Bladen county authorized to compromise with sureties of former treasurer.

SEC. 2. That the release by the board of commissioners of any of said sureties from the operation of said judgment shall not release any other surety or co-defendant in said judgment.

Release of surety not to release others.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 414.

An act to incorporate the Scotland Neck training and industrial school.

General Assembly of North Carolina do enact :

SECTION 1. That the name of the institution known at present as "The Scotland Neck training and industrial school," shall be hereafter known as the same, and that Wm. E. Evans C. C. Baker, Hunter Hight, C. P. Anthony, Tom Shields, Steward Hardy, Wm. E. Boyd, Thad. Shields, Isaac Evans, G. I. Hill, Isham Smith, Wade Smith, Jr., Henry Reynolds and Jno. Smith, and their associates and successors in office, be and they are hereby created and constituted a body politic and corporate by the name and style of "Trustees of the Scotland Neck training and industrial school," an institution of learning situated at Scotland Neck, in Halifax county, in the state of North Carolina, and as such and by said name of such institution as aforesaid shall be impleaded, to use a common seal and make such by-laws and regulations and rules as they, the said trustees and their successors, may deem best, not inconsistent with the laws of the United States or the state of North Carolina.

Name confirmed.

Corporators.

Corporate name.

Corporate powers.

Trustees to appoint officers.

SEC. 2. That said trustees and their successors are and shall be authorized to appoint a president, a treasurer, a recording secretary, a general superintendent and such other officers and teachers as may, in their judgment, be necessary to serve the purpose and to carry into effect the objects of said institution.

Trustees to hold property and funds of institution for use of same.

SEC. 3. That said trustees and their successors shall have and hold all estate, property and funds now belonging to said institution, and shall have and hold all property, funds, money, donations, legacies, and devices which may hereafter be granted, given, conveyed, bequeathed and devised to said institution in trust for the use and support of the said institution.

Executive committee.

SEC. 4. That the trustees shall have power to appoint an executive committee, to consist of ten members, including the president, vice-president, treasurer, recording secretary and superintendent, a majority of whom shall constitute a quorum and shall have full power to transact any business for the said institution.

Quorum.

Powers of executive committee.

SEC. 5. That the said executive committee shall have power, after the first two years next ensuing, after the adoption of this act, to elect the trustees for said institution and to fill all vacancies that may occur in the same.

SEC. 6. That all acts and parts of acts contrary to the provisions of this act are hereby repealed.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 415.

An act for the better protection of wild fowls in the waters of Dare county.

The General Assembly of North Carolina do enact:

Non-resident shooters to be licensed.

SECTION 1. That all non-resident persons of the state are hereby prohibited from shooting wild fowls in the waters of Dare county, within the boundaries hereinafter defined, from either a blind, battery, box, float or raft, without first obtaining a license therefor from the clerk of the superior court of said county, and paying for the same the sum of twenty dollars, and a fee of fifty cents to said clerk for the issuing of said license, and accounting to the treasurer of said county for said license tax.

Amount of license and clerks fee.

SEC. 2. That the boundaries inclosing the territory in which said shooting of wild fowls is herein prohibited begin at the court house of said county, at Manteo, and running from thence in a straight line easterly to the life saving station No. 14, thence southerly to Hatteras inlet.

Boundaries of prohibited territory.

SEC. 3. That for the better securing the enforcement of this act, the board of commissioners of Dare county is hereby authorized and empowered to appoint three (3) game constables, one each at Buxton, Rodantha and Roanoke island, for the term of two years from the date of their appointment on the same day and every two years thereafter, whose duties shall be to arrest any and all persons who shall be found violating the provisions of this act, in accordance with existing law for the arresting of any person violating any of the criminal laws of the state and bring such persons before some justice of the peace of said county for immediate trial.

Game constables.

Term of office.
Duties.

SEC. 4. That said game constables shall be required before being entitled to enter upon the duties of their office, each to give a good and sufficient bond in the sum of five hundred dollars as in this and all other respects is required of constables of townships, for the faithful discharge of the duties imposed by this act, and subject to like penalties for the non-performance thereof; and said game constables for their several services in the enforcement of this act, shall have one-half of the license tax herein imposed equally, and one-half of the fines, and the other half of said license tax and fines shall go to the public school of said county.

Bonds of game constables.

Pay of game constables.

SEC. 5. That all such persons, or their aiders and abettors, who shall violate this act, shall be guilty of a misdemeanor, and shall be fined not exceeding fifty dollars or be imprisoned not exceeding thirty days.

Violation of act a misdemeanor.

Penalty.

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 9th day of March, A. D. 1897.

CHAPTER 416.

An act for the relief of sheriff H. C. Kearney of Franklin county.

The General Assembly of North Carolina do enact :

Authorized to
collect arrears of
taxes.

SECTION 1. That H. C. Kearney, sheriff of Franklin county, be and is hereby authorized to collect for the benefit of himself the arrears of taxes due him in said county for the years eighteen hundred and ninety, eighteen hundred and ninety-one, eighteen hundred and ninety-two, eighteen hundred and ninety-three, eighteen hundred and ninety four, eighteen hundred and ninety-five.

When authority
to cease.

SEC. 2. That the authority hereby given to collect the arrears of taxes shall cease and determine on the first Monday in December, eighteen hundred and ninety-eight.

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 the 9th day of March, A. D. 1897.

CHAPTER 417.

An act to forbid the hunting on lands in Person county, North Carolina, by non-residents.

The General Assembly of North Carolina do enact :

Non-residents
forbidden to
hunt on any
lands without
consent of
owner.

SECTION 1. That all persons who are not residents of the state of North Carolina are hereby forbidden to hunt with gun or dogs on the lands of any person, without the consent of the landowners.

To apply only to
Person county.

This act to apply to Person county, North Carolina.

Penalty for vio-
lation of act.

SEC. 2. That any person who shall violate this act shall be fined, not over fifteen dollars, or less than ten dollars, and shall be guilty of a misdemeanor.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 418.

An act to require railroad companies to redeem mileage tickets.*The General Assembly of North Carolina do enact :*

SECTION 1. That all railroad companies in this state shall redeem all mileage tickets, known as five hundred, thousand and two thousand mile tickets, a year from date of sale, either in money or allow the original holder to ride it out. Mileage tickets to be redeemed.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 419.

An act to validate the marriage of A. G. Bauer and Rachel Blythe.*The General Assembly of North Carolina do enact :*

SECTION 1. That the marriage of A. G. Bauer and Rachel Blythe, which was solemnized and celebrated in the city of Washington, D. C., in June, 1895, be and the same is hereby declared to be in all respects legal and valid. Marriage declared to be legal and valid.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 420.

An act to prohibit live stock from running at large in Cross Creek township, Cumberland county.*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any live stock to run at large in Cross Creek township, and such lands contiguous thereto as may be brought within the operation of this act by the voluntary consent of the owners in the county of Cumberland. Unlawful for live stock to run at large in Cross creek township and contiguous territory.

SEC. 2. This act shall not be in force within said township aforesaid until a good and lawful fence has been erected around the said township, with gates on all the public roads passing through said township: *Provided*, that no fence shall be required to be erected adjoining any other county or district which shall have or may adopt similar laws. Fence to be erected.
Proviso:
Fence not required adjoining stock law territory.

Land condemned
for fence way.

Proviso:
No tract of land
to be divided.

Proviso:
Fence may fol-
low highway.

Powers of county
commissioners.

Special tax.

Rate.
Proviso:
Tax not levied
on property of
residents of Fay-
etteville.

Misdemeanor to
permit live stock
to run at large in
territory.

Penalty.

Further acts
constituting mis-
demeanor.

Penalty.

"Stock" con-
strued.

When county
commissioners to
make advertise-
ment and act to
take effect.

SEC. 3. If the owner of any land shall object to the building of any fence herein allowed, his land not exceeding twenty (20) feet in width shall be condemned for the fence way, as land is now condemned for railroad purposes by the North Carolina railroad company: *Provided*, that no fence shall divide a tract of land against the consent of the owner, but may follow the boundary line thereof: *Provided, further*, when a public highway divides a tract of land, that is also a county or township boundary, the fence may follow the highway as far as it constitutes such boundary, even against the consent of the owner of the land so divided. The county commissioners shall have exclusive control of erecting and repairing fences and gates herein provided for, and the appointment of such keepers and repairers of the same as they may deem proper, and they are hereby granted full powers for that purpose, to be exercised according to their best discretion.

SEC. 4. That, for the purpose of the next preceding section the county commissioners shall levy and collect, as other taxes are collected, a special tax upon all the realty in the aforesaid township, not to exceed in any year one fifth (1-5) of one per cent.: *Provided*, that the tax herein imposed and to be levied, shall not be levied upon the property of any resident within the corporate limits of Fayetteville, North Carolina.

SEC. 5. Any person willfully permitting his or her live-stock to run at large within the aforesaid township shall be deemed guilty of a misdemeanor, and on conviction may be fined not exceeding fifty (\$50.00) dollars or imprisoned not exceeding thirty (30) days.

SEC. 6. Any person willfully tearing down, or in any manner breaking a fence or any gate, or leaving open a gate established pursuant to this act, or willfully breaking any enclosure within any boundary where this act is in force and wherein any stock is confined so that the same may escape therefrom, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty (\$50.00) dollars or imprisoned not exceeding thirty (30) days.

SEC. 7. That the word "stock" in this act shall be construed to mean horses, mules, cows, calves, colts, sheep, goats, jennets, and all neat cattle, swine and geese.

SEC. 8. It shall be the duty of the county commissioners, when they shall have been notified by five (5) freeholders within the above township, that a good and sufficient fence has been erected around the aforesaid, with gates erected upon all public roads leading into and out of the same, to give public notice by advertising of the establishment of said fence, and

from and after ten (10) days from date of such publication the provisions of this act shall go into operation and take effect.

SEC. 9. That owners of land contiguous to said Cross Creek township may have their lands embraced within the said stock law district, and subject to the terms of this act, by application to the county commissioners, who may from time to time extend the fence upon such application.

Contiguous lands embraced in territory on application of owners.

SEC. 10. This act shall be in force from and after its ratification.

Ratified the 9th day of March, A. D. 1897.

CHAPTER 421.

An act to encourage local taxation for public schools.

WHEREAS, This General Assembly has by raising the rate of school tax from 18 to 20 cents already provided an increase of fifty thousand dollars (\$50,000) to the common school fund of the state,

Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That the sum of fifty thousand dollars (\$50,000) or so much thereof as may be necessary, is hereby annually appropriated out of any moneys in the treasury not otherwise appropriated, the same to be paid as called for to the state board of education, and by said board to be paid to the public schools of the state as hereinafter provided.

Fifty thousand dollars annually appropriated.

SEC. 2. On Tuesday after the second Monday in August within the year 1897 the board of county commissioners of every county shall cause an election to be held in every school district of their respective counties upon the question of levying a special district tax for the public schools of said district, and notice of this election shall be given by the county commissioners at their regular June meeting, and such notice shall be published in the county papers and posted on the school houses of said districts.

Elections to be held.

Notice of elections.

SEC. 3. The board of county commissioners shall determine the amount of tax to be voted upon by each district; but said tax shall be at least 10 cents upon every \$100 worth of property and 30 cents upon every poll, and shall not be repealed within three years of the date of first levying it. After three years from the date of first levying a special tax for schools, said tax may be repealed only by a majority vote of the qualified voters

Amount of tax to be voted upon.

Elections not repeated within three years. How tax repealed.

Elections in districts failing to levy tax.

Ballots.

How election held.

Duties of county commissioners.

Tax to be levied if majority of qualified voters declare for same.

To be collected as other school taxes and placed to the credit of district.

Appropriations to districts levying tax.

Proviso:
No district to receive more than \$500.

Appropriations to be divided pro rata.

Sworn statements sent by county treasurer to superintendent of public instruction.

Superintendent to send warrant to treasurer.

of the district; and no election for the repeal of any special tax shall be held, except upon written petition to the board of county commissioners, signed by at least one-third of the qualified voters of the district.

SEC. 4. In every district that fails to levy a special school tax in 1897 the county commissioners shall order an election held every two years on the Tuesday after the first Monday in August under the provisions of this act until such special school tax is levied.

SEC. 5. At said election every voter in favor of the special school tax shall vote a written or printed ballot with the words "for schools," and every voter opposed to the special school tax shall vote a written or printed ballot with the words "against schools." Said election shall be held under the rules and regulations prescribed for the election of members of the General Assembly of North Carolina. The county commissioners shall prepare said ballots and distribute them. They shall also prepare boxes for the election and appoint poll holders and necessary officers. If a majority of the qualified voters shall declare in favor of the special school tax, the same shall be immediately levied by the board of county commissioners and collected at the same time and in the same manner as the general school tax of the county, and shall be placed within 30 days in the county treasury to the credit of the district in which it was collected.

SEC. 6. To every district that may levy a special school tax under the provisions of this act the state board of education shall give annually for three years a sum of money equal to the special school tax collected each year, until the appropriation of \$50,000 for each year is exhausted: *Provided*, that no district shall receive from the state board of education more than \$500 a year; and if the aggregate of the taxes levied by districts under the provisions of this act shall be greater than the amount herein appropriated, then this special state appropriation shall be divided among the several districts in proportion to the amounts raised by special taxation.

SEC. 7. On the 31st day of January in each year the treasurer of every county where any special school tax has been levied under the provisions of this act shall send to the superintendent of public instruction a sworn statement of the amount of special school tax collected in each district for that year. Immediately upon the receipt of this statement, the superintendent of public instruction shall send to the treasurer of the county a warrant for a sum of money to be placed to the credit of each district equal to the special school tax collected in each

district respectively that year: *Provided*, that if the special school tax collected in any district in one year is more than \$500, the superintendent of public instruction shall send to the county treasurer a warrant for such district for \$500 and no more. Or in any district where an amount not exceeding five hundred dollars shall have been raised by voluntary subscription an equal amount shall be paid by the treasurer.

Proviso:
Warrant not to
be more than
\$500.

Appropriations
to districts rais-
ing funds by vol-
untary subscrip-
tions.

Districts to
which act does
not apply.

SEC. 8. None of the provisions of this act shall apply to any township, city, or school district, that now levies a special school tax of as much as 10 cents on every \$100 worth of property and 30 cents on every poll.

SEC. 9. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 10. This act shall be in force from and after its ratification.

Ratified the 9th day of March, A. D. 1897.

CHAPTER 422.

An act to make a copy of the scroll book in Brantley's Grove precinct, Hertford county, the registration book.

WHEREAS, the registration book in Brantley's Grove precinct, Hertford county, was lost on the morning of the third day of November, 1896; and,

Preamble.

WHEREAS, the registrars and judges proceeded to hold the election and swear each voter that he had previously registered in that precinct and for that election.

The General Assembly of North Carolina do enact:

SECTION 1. That the election held at Brantley's Grove precinct, Hertford county, on Tuesday, the third day of November, 1896, is hereby declared valid, and that a copy of the scroll book procured at said election shall be the registration book for said precinct.

Election de-
clared valid.

Copy of scroll
book to be regis-
tration book.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 423.

An act to protect wild turkeys in Macon county.*The General Assembly of North Carolina do enact :*

Close season for turkeys.

SECTION 1. That it shall be unlawful to take or kill any wild turkeys in Macon county between the first day of September in each and every year.

Unlawful to trap turkeys at any time.

SEC. 2. That it shall be unlawful for any person to trap any wild turkey or turkeys in Macon county.

Violation of first section a misdemeanor.

SEC. 3. That any person violating the first section of this act shall be guilty of a misdemeanor.

Violation of second section a misdemeanor.

SEC. 4. Any person or persons who shall violate the second section of this act by trapping turkeys in said county shall be guilty of a misdemeanor, and fined not less than ten dollars in each and every case, or be imprisoned, or both, at the discretion of the court.

Penalty.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 424.

An act to render aid in the construction of the Winston-Salem south bound railroad.*The General Assembly of North Carolina do enact :*

Convicts to be furnished when right of way obtained and road located.

SECTION 1. That whereas the right of way for the Winston-Salem south bound railway is obtained according to law, and said railway located and surveyed, it shall be lawful for the governor of this state to cause the superintendent of the penitentiary to furnish five hundred convicts, not otherwise employed, to grade said railroad: *Provided*, that the governor shall first close a contract with some reliable railroad company to iron, equip and run said railroad at an annual rental of not less than three per cent. on the entire cost of building said railroad, and in addition thereto to pay the taxes on said railroad as if the state owned no stock thereon.

Proviso: Contract for equipment and maintenance of road and payment of taxes to be first made.

SEC. 2. The state shall have stock in said railroad for all work done by it in building and grading said railroad, and for all work done or money furnished for said purpose, and in estimating the cost of the work done by the state the work of the convicts shall be estimated at the rate of one hundred and twenty-five dollars per year each.

State to have stock for work done or money furnished.

Valuation of work of convicts.

SEC. 3. The governor shall have the right to employ engineers to survey and locate said road, and the treasurer shall pay out of any moneys not otherwise appropriated the cost of such survey and location, which amount shall be estimated in the sum for which the state shall have stock in said company.

Governor may employ engineer to locate road.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 425.

An act to provide for the locating and construction of a road from a point at or near Riverdale, on the Atlantic and North Carolina railroad, in Craven county, through the state lands, just west of the Great Lake, to some point at or near Stella, in Carteret county.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of locating and constructing a public highway from some point at or near Riverdale, on the Atlantic and North Carolina Railroad, in Craven county, through the state lands, and just west of Great lake, to some point at or near Stella, in Carteret county, the following persons: R. P. Williams, H. H. Perry, B. I. Earborn, John S. Fisher, and J. A. Bryan of Craven county; and Cyrus Foscue, Daniel Weeks, Jas. B. Howard, C. B. Dey, and W. P. Adams, of the county of Carteret, be and are hereby appointed special commissioners, acting in concert with the state board of education, shall have full power and authority to supervise the location and construction of said road.

Commissioners appointed.

To act in concert with state board of education.

SEC. 2. That it shall be the duty of the state board of education to have the route of said road surveyed and located, and the construction of said road superintended by the engineer of said road.

Duty of state board.

SEC. 3. That in case the road pass through any lands not belonging to the state, the right of way through such lands shall be arranged for through the commissioners hereby appointed for the county in which such lands are located and the board of county commissioners of such county. That such road shall have a width of not less than 20 feet clear of stumps and runners.

How right of way obtained.

Width of road.

SEC. 4. Whenever the above named commissioners in the counties of Craven and Carteret shall notify the penitentiary authorities that they are ready to begin the construction of

Convicts to be furnished for construction of road.

Penitentiary
authorities to
provide for the
transportation,
guarding and
maintenance of
convicts.

said road, it is hereby made the duty of the board of directors and the superintendent of said penitentiary to furnish to the board of education and to the said commissioners of the counties of Carteret and Craven, provided for in this act, thirty (30) able-bodied convicts, the same to be employed in the construction of said road until the same shall have been completed. It is hereby made the duty of said superintendent and board of directors of the penitentiary to provide for the transportation, guarding, the maintenance of said convicts while employed in the construction of said road.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 426.

An act to establish a public ferry across the Main Broad river in Cleveland county.

The General Assembly of North Carolina do enact:

Dellinger & Co.
authorized to
establish a ferry.

Landings.

Term of fran-
chise.

Ferry to be sub-
ject to general
law.

Tolls and rates of
ferriage.

Unlawful to
establish another
ferry within one
and one half
miles.

SECTION 1. That J. P. Dellinger and J. Y. Hamrick of Cleveland county, trading as Dellinger and Company, their heirs and assigns, are hereby authorized to establish a public ferry across the Main Broad river, at the place now known as "Hopper's Ferry," one landing to be situated on the bank of said river in No. 1 township, and the other landing to be situated on the bank of said river No. 2 township.

SEC. 2. That the right to establish and keep up said ferry be and is hereby vested in the said Dellinger and Company, their heirs and assigns, during the 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 Dellinger and 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 or persons 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. 1897.

CHAPTER 427.

An act to provide for the working of the public roads of Wilson county.*The General Assembly of North Carolina do enact :*

SECTION 1. That the board of county commissioners of Wilson county shall, in order to provide for the proper working and constructing of the public roads of said county of Wilson, at their regular meeting in June, 1897, and at each regular annual meeting thereafter, and it is hereby made their duty to levy a special tax on all property subject to taxation under the state law in said county, of not less than 5 cents nor greater than 20 cents on the \$100 worth of property, and not less than 15 cents nor greater than 60 cents on the poll, the constitutional equation to be observed at all times; said taxes to be collected as all other taxes are, to be kept separate in the tax books of the county, to be set aside as a special road fund to be used in the construction, improvement and maintenance of the public roads and culverts of the county of Wilson, and the purchase of such implements, teams, wagons, camp outfit, quarters or stockades for the use of and safe keeping of the convict force as may be found necessary in the proper carrying on of this work.

Special tax to be levied.

Rate.

To be collected as other taxes.

How to be used.

SEC. 2. That there shall hereafter be elected by the board of county commissioners at their regular meeting in June, 1897, and at their regular meeting in January of each succeeding year, a superintendent of roads, who shall receive a salary of not less than twenty-five (\$25.00) nor more than fifty (\$50.00) dollars per month to be fixed by the board of county commissioners and to be paid out of the county road fund, and who, after January, 1898, shall hold office for one year, or until his successor has been elected and qualified, as provided by law for other county officers. It shall be the duty of said superintendent of roads to supervise, direct and have charge of the maintenance and building of all public roads, culverts and bridges in said county of Wilson, and he shall submit to the board of county commissioners of Wilson county a monthly report concerning the work in progress and the money expended; and he shall submit quarterly a report on the condition of the public roads and bridges, and plans for improvement, and he shall include in this quarterly report an inventory of the tools, implements, teams and other equipment on hand. Said county road superintendent, before entering upon the duties of his office, shall deposit with the board of county commissioners a good and lawful bond for the sum of \$2,000 as a guarantee of the faithful discharge of

Superintendent of roads.

Salary.

Term of office.

Duty of superintendent.

Monthly reports.

Quarterly reports.

Inventory with quarterly report.

Bond of superintendent.

Bond to be registered and filed.

How vacancy filled.

Guards for convict force.

Township supervisors.

Duty.

Pay of guards and supervisors.

Persons subject to road duty.

Proviso :
Notice to be given road hands.

Proviso :
In case of washout or unexpected obstruction notice not required.

Proviso :

the duties of his office, which bond shall be duly registered in the office of the register of deeds, and filed with the clerk of the superior court of Wilson county. In case of the death or resignation or removal of said road superintendent, it shall be the duty of the county commissioners to elect at their first meeting thereafter a road superintendent who shall hold office at the discretion of said board of commissioners, or until the regular January meeting of said board, and until his successor has been elected and qualified.

SEC. 3. That, subject to the approval of the board of county commissioners, the county road superintendent shall appoint, with power at any time to remove or discontinue, such guards as may be needed to take charge of the convict force, and also one or more persons in each township of Wilson county, to be known as township supervisor of roads, who, acting under the county road superintendent, shall supervise the road work in the township for which they were appointed or such parts thereof as said superintendent may direct. The said guards and township supervisors shall be paid, for such time as they may be required to give to this work, such compensation per day, during such time as they are actually employed in work ing on the public roads, as may be agreed upon by said road superintendent and approved by the board of county commissioners out of the public road fund provided for in section one of this act.

SEC. 4. That all able bodied male persons of Wilson county between the ages of eighteen and forty-five years, except residents of incorporate cities and towns, shall work on the public roads of said county for four days (of 10 hours each), in each and every year, at such time and place and in such manner as may be designated by the road superintendent or township supervisor: *Provided*, that the said superintendent or the supervisors in each township shall give to each person of his township who is subject to road duty at least three days' notice by personal warning, or by leaving a written notice at the home or residence of such person, specifying in such notice the time and place when and where such work is to be performed, and also designating in such notice the tool or implement with which such person shall be required to work: *Provided, further*, that, in case of washout or other unexpected obstruction to travel, the three days' notice shall not be necessary, and any person liable to road duty in the township in which such obstruction to travel may occur shall, upon being properly summoned by said superintendent or supervisor of roads, respond to such summons with reasonable promptness: *Provided, further*, that any

person may, in lieu of working four days on the public road, pay, on or before the first day of July, 1897, and on or before the first day of April of each year thereafter, to the county treasurer, sheriff, or tax collector, the sum of one dollar, and it shall be the duty of said treasurer, sheriff, or tax collector, upon receipt of said money, to issue to such person a receipt for the same, stating in such receipt the amount and the year for which the same is paid. All moneys paid to sheriff or tax collector, as provided for in this act, shall, within fifteen days after being received by them, be turned over to the county treasurer and credited to the road fund of the county or the township from which the same was paid.

Money payment
in lieu of road
work.

Money to be paid
over to treasurer
and credited to
road fund.

SEC. 5. That any person who shall, after being duly notified as provided in section four of this act, fail to appear and work as required to do, or who shall fail to pay the sum of one dollar, or any person who shall appear as notified, and fail or refuse to perform good and reasonable labor as required by the said superintendent or supervisor, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two nor more than five dollars, or imprisoned not less than five nor more than ten days.

Failure to appear
and work when
warned or to pay
commissioners a
misdemeanor.

Penalty.

SEC. 6. That proper implements and tools for use in working the public roads of Wilson county, as provided in section four of this act, shall be supplied by the county road superintendent, and shall be paid for out of the road fund of the county or out of the road fund of each of the respective townships: *Provided*, that, until the county road superintendent shall be able to supply the necessary implements and tools, he may and he is hereby empowered to compel any and all persons working on the public roads of Wilson county to provide themselves with such implements while working on said road as said superintendent or supervisor may designate in his notice or summons as being necessary.

Implements and
tools to be fur-
nished by super-
intendent.

How paid for.

Proviso:
Road hands to
furnish tools
until same are
purchased by
county.

SEC. 7. That on the first day of June, 1897, and each succeeding year or oftener, if required to do so by said superintendent of roads, the township supervisor of roads in each township of Wilson county shall furnish to the county road superintendent a complete list of the names of all persons liable for road duty in the township in which he resides. Said superintendent of roads, after receiving the above list of persons liable for road duty, shall check off the names of such persons as have paid the sum of one dollar as provided in section four of this act, and shall within fifteen days, and as often thereafter as may be necessary, furnish to each said township supervisor a correct revised list of all persons liable for road duty in each said town-

Supervisors to
furnish list of
road hands.

Superintendent
to check list and
return revised
copy.

List of persons liable to road duty and failing to work furnished to a magistrate.

Duty of magistrate.

Proviso: Defaulting road hand may be prosecuted at any time. Certain prisoners to be worked on road.

Courts to assign convicts to road work.

Courts of other counties to sentence convicts to work on roads of Wilson county.

Cost to be paid by Wilson county.

Proviso: Prisoners from other counties may be returned.

Roads to be surveyed and

ship for that year. A list of such persons liable to road duty in each township who have during any year failed to work on the public roads after having been duly notified, or to pay as provided in section four of this act, shall immediately be submitted by the county road superintendent or supervisor to a magistrate in the township in which such persons reside, and it shall be the duty of said magistrate immediately to issue his warrant for such persons and proceed against them according to law: *Provided, however,* that the defaulting party may be prosecuted at any time and by any citizen of the county.

SEC. 8. That all prisoners confined in the county jail of Wilson county, under a final sentence of the court for crime, or imprisonment for non-payment of costs or fines, or under the vagrant acts, all insolvents who shall be imprisoned by any court in said county for non-payment of cost, and all persons sentenced in said county to the state prison for a term less than five years, shall be worked on the public roads of Wilson county. And upon the application of the said road superintendent of Wilson county, the judge of the superior court, or the judge of the criminal court, the justices of the peace and the principal officer of any municipal or any other inferior court, it shall be the duty of the said judge or justice of the peace, or said principal officer, to assign such persons convicted in his court to said road superintendent for work on the public roads of said county.

SEC. 9. That when the county commissioners of Wilson county shall have made provisions for the expense of supporting and guarding, while at work on the public roads, a larger number of prisoners than can be supplied from Wilson county upon the application of the county commissioners of said county, the judges of the superior or criminal court, and the justices of the peace and the principal officers of any municipal or other inferior court in adjoining counties, or any other county or counties in the same judicial district which do not otherwise provide for the working of their own convicts on the public roads, shall sentence prisoners convicted of crimes aforesaid to work on the public roads of said county of Wilson, and the cost of transporting, guarding and maintaining such prisoners as may be sent to the said commissioners of Wilson county from said adjoining counties shall be paid by the county of Wilson: *Provided,* that any and all such prisoners from such other counties may at any time be returned to the keeper of the common jail of such counties, at the expense of the county of Wilson.

SEC. 10. That the principal public roads to be improved or constructed in accordance with the provisions of this act shall

be first carefully surveyed and located by an engineer trained and experienced in such work, aided by the county road superintendent and such assistants as it may be necessary for him to employ, the same to be paid out of the road fund of the county for services and expenses, as may be agreed upon by the county commissioners. All such public roads when changed or hereafter located shall be given a grade nowhere greater than four feet in one hundred, and a width of not less than twenty feet, clear of ditches, trees, logs and other obstructions. All such roads shall be thoroughly drained, and whenever it may be necessary to turn water across the road this shall be done by putting sewer pipes or other forms of covered drains, culverts or bridges : *Provided*, that, where, in the opinion of an experienced and competent engineer, insurmountable obstructions make the grade of one foot in twenty impracticable the grade may be increased to six feet in one hundred for distances of less than fifty feet in any one place, and : *Provided, further*, that in places where the roadway must be blasted out in hard rock the width of said roadway shall not be less than twelve feet.

SEC. 11. That for the purpose of carrying out the provisions of this act the said superintendent and supervisors are hereby authorized to enter upon any uncultivated lands or improved lands unincumbered by crops, near to or adjoining such roads, to cut and carry away timber, except trees or groves or improved land planted or left for ornament or shade ; to dig or cause to be dug and carried away any gravel, sand or stone which may be necessary to construct, improve or repair said road ; and to enter on any lands adjoining or laying near the road in order to make such drains or ditches through the same as he may deem necessary for the betterment of the road, doing as little injury to said lands and the timber or improvements thereon as the nature of the case and the public good will permit ; and the drains and ditches so made shall be conducted to the nearest ditch, water course, or waste ground, and shall be kept open by the said superintendent or supervisors, and shall not be obstructed by the owner or occupant of said lands, or any other person or persons, under the penalty of forfeiting a sum not exceeding ten dollars or imprisonment for not exceeding twenty days for each and every offence, said penalty to be collected by the said superintendent or supervisor, and paid over to the county treasurer, and applied to the road fund of the county. If the owner of any lands, or the agent or agents of any such owner, having in charge lands from which timber, stones or gravel were taken as aforesaid, shall present an account of the same through the county road superintendent, at any regular meet-

located by
engineer.

Grade and width
of road.

Construction of
road.

Proviso:
When grade may
be increased.

Proviso:
Width where
road bed blasted.

Power of super-
intendent and
supervisor to
enter upon lands
and take mate-
rials.

Drains and
ditches.

Penalty for
obstructing
drains and
ditches.

Payment for
materials taken
for road.

ing of the county commissioners within thirty days after the taking and carrying away of such timber, stone, or gravel, it shall be the duty of said commissioners to pay for the same such sum as may be agreed upon by an impartial jury of three freeholders, one to be selected by the county superintendent of roads, one by the party claiming damages, and the third to be selected by these two, with the right of either party to appeal as provided for in section twelve of this act.

Right of appeal.

Power of superintendent to relocate or change road.

SEC. 12. That, subject to the approval of the board of county commissioners, the county superintendent of roads is hereby given discretionary power, with the aid of a competent engineer, to re-locate or change any part of any public road where, in his judgment, such re-location or change will prove advantageous to public travel. That when any person or persons on whose lands the new road or part of the road is to be located claims damages therefor, and within thirty days petitions the board of county commissioners for a jury to assess the damages, the said commissioners, within not less than fifteen nor more than sixty days after the completion of said road, shall order said jury to be summoned as provided by law in section two thousand and twenty-three (2023) of *The Code*, and said jury in considering the question of damages shall also take into consideration the benefits to public travel and to the owner of the land, and if said benefits be considered equal to or greater than the damages inflicted the jury shall so declare.

How damage for right of way assessed.

Right of appeal.

SEC. 13. That in case either of the two interested parties shall be dissatisfied with the finding of the juries provided for in section eleven and twelve of this act, such dissatisfied party may appeal from the decision of said jury to the county commissioners, and if dissatisfied with their decision may in turn appeal to the superior court of the county of Wilson: *Provided*, however, that said appeal may be taken from the judgment of the board of commissioners by either party, and the same shall be heard *de novo*: *Provided, further*, that the party to whom damages are awarded shall recover no more costs than a sum equal to the amount of damages so awarded.

Proviso:
Either party may appeal.

Proviso:
No more costs than damages recoverable.

Failure of officers to perform duty a misdemeanor.

SEC. 14. That any officer or employer appointed by virtue of this act, or to whom duties are assigned in this act, who shall fail to make complete returns within the time prescribed therein, or who shall otherwise fail to discharge the duties imposed upon him by this act, shall, in all cases where penalties for such failure are not provided in this act, be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than five hundred (\$500) dollars or imprisoned not more than two years, at the discretion of the court.

Penalty.

SEC. 15. That all laws and parts of laws in conflict with this act are hereby repealed.

SEC. 16. This act shall be in force from and after its ratification.

Ratified the 9th day of March, A. D. 1897.

CHAPTER 428.

An act to incorporate the bricklayers brotherhood of Wilmington, N. C.

The General Assembly of North Carolina do enact :

SECTION 1. That Jno. H. Jackson, Alex. Ellerson, Jordan Lemmons and such other persons as they may associate, be and they are hereby incorporated into a body politic and corporate, under the name and title of the bricklayers brotherhood of the city of Wilmington, in the county of New Hanover, and by that name may have succession and a common seal, sue and be sued, plead and be impleaded before any court of record, justice of the peace in the state, contract and be contracted with, acquire, hold and dispose of real and personal property, for the benefit of said lodge or its members, and have all such rights and privileges as are incident to such corporations.

Corporators.

Corporate name.

Corporate powers.

SEC. 2. That this corporation shall have power to pass all necessary by-laws and regulations for its own government which may not be inconsistent with the constitution and laws of the state or of the United States.

By-laws.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 429.

An act to amend chapter three hundred and seventy-nine of the laws of eighteen hundred and ninety-three.

The General Assembly of North Carolina do enact :

SECTION 1. That section four of chapter three hundred and seventy-nine of the laws of eighteen hundred and ninety-three be amended by striking out the words "seven hundred and fifty" and insert in lieu thereof the words "twelve hundred and fifty."

Salary of reporter of Supreme Court.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 430.

An act to amend chapter two hundred and seventy-nine (279) of the public laws of (1893) eighteen hundred and ninety-three, to provide for constructing and keeping in repair the public roads of Mitchell county.

The General Assembly of North Carolina do enact :

Power of commissioners of Mitchell county as to road system for county.

SECTION 1. That the board of county commissioners of Mitchell county, at its regular meeting in June, eighteen hundred and ninety-seven (1897), be and the same is hereby authorized and empowered at its discretion to repeal or continue in force, chapter two hundred and seventy-nine (279), or to adopt such other road laws for Mitchell county, to be in force from and after that date, as in the judgment of said board of commissioners may be deemed best, to the county of Mitchell: *Provided*, that if said board of commissioners, at their regular meeting in June, 1897., decide to retain in force the existing road law, may at its discretion fix and reduce the limit of taxation for road purposes, as prescribed in said law, to five cents on the one hundred dollars worth of property and fifteen cents on the poll.

Proviso:
Power as to rate of road tax.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 431.

An act to remove the obstruction to fish in Catawba river and to provide fish-ways.

The General Assembly of North Carolina do enact :

Jury appointed to view river.

SECTION 1. That Joseph M. Wilson of Mecklenberg county, David A. Barkley of Iredell county, J. T. Hedrick of Alexander county, C. T. Flowers of Caldwell county, John W. Lawrence of Catawba county, D. A. Laws of Lincoln county, and J. M. McIntosh of Gaston county, be appointed a special jury to view the Catawba river from the state line to the crossing of the Chester and Lenoir railroad, and designate the places where obstructions should be removed, and the width of the fish passage.

Jury not to damage water power of mills.

SEC. 2. Said jury, in carrying out the requirements of section 1, shall not injure the water power of any mill located on said

river: *Provided*, that said jury shall be competent to decide as to whether there would be damage to water power if obstructions be removed.

Proviso:
Jury to decide if
removal of
obstruction
would.

SEC. 3. The said jury shall have authority to hear all complaints and settle all difficulties arising from the opening of fish passages in said river.

Jury to hear
complaints and
settle difficulties.

SEC. 4. That D. A. Laws be designated as chairman to call together said jury for organization and work, and thereafter all complaints arising in regard to fish passages shall be made to the chairman of said jury, who thereupon shall call a meeting of the jury to hear and settle the case, and their decision shall be final.

Chairman
designated.

SEC. 5. The said jurymen shall be compensated at the rate of two dollars per day while on duty, to be paid by county treasurers of their respective counties: *Provided*, that before receiving pay each jurymen shall present to the board of county commissioners of his county a sworn statement of days served.

Complaints to be
made to chair-
man.

Compensation of
jury.

Proviso:
Sworn statement
of work.

SEC. 6. That all necessary expenses connected with the opening of fish passages shall be borne equally by the counties bordering the place where work is done.

How expenses of
opening fish pas-
sages borne.

SEC. 7. The jury may contract for the removal of obstructions, and give orders on the boards of county commissioners of counties bordering the place of opening for the pay for said work, and the county commissioners shall order the county treasurer to pay the same.

Jury to contract
for removal of
obstructions.

SEC. 8. That said jury and their successors shall constitute a perpetual commission representing the said counties: *Provided*, that when vacancies occur they be filled by the board of county commissioners of counties where vacancies arise.

Commission per-
petual.
Proviso:
How vacancies
filled.

SEC. 9. That before entering upon their duties they shall take an oath, before some officer authorized to administer oaths, that they will discharge the duties required of them by this act.

Commissioners
to be sworn.

SEC. 10. Any person obstructing fish-ways in said river shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars and the costs, or imprisonment for thirty days, at the discretion of the court.

Obstruction of
fish ways a mis-
demeanor.
Penalty.

SEC. 11. That five of the said jurors shall constitute a quorum for a transaction of any business.

Quorum of
jurors.

SEC. 12. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 13. That this act shall be in force from and after its ratification.

Ratified the 9th day of March, A. D. 1897.

CHAPTER 432.

An act to amend and supplement "an act to regulate the liability of stockholders in banks chartered by the state, and to forbid the lending of more than ten per cent. of the capital of such banks to one person or corporation," said act having been ratified March 6, 1897.

The General Assembly of North Carolina do enact:

SECTION 1. That section third of an act ratified March 6, 1897, entitled an act to regulate the liability of stockholders in banks chartered by the state, and to forbid the lending of more than ten per cent. of the capital of such banks to one person or corporation, be and the same is hereby amended and supplemented as follows, viz.:

Clause limiting amount to be loaned to one person.

Proviso:
Not to apply to certain banks.

By adding to the end of said section third the words: *Provided*, this section shall not apply to banks with a paid-up capital of one hundred thousand dollars or less.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 433.

An act authorizing the board of commissioners of Dare county to draw jury.

Preamble.

WHEREAS, the condition of the weather was such that the board of commissioners of Dare county was prevented from attending and drawing the jury on the first Monday of February, 1897, according to law,

The General Assembly of North Carolina do enact:

Jury to be drawn on first Monday in March.

SEC. 1. That the board of commissioners of Dare county is hereby authorized and empowered to draw said jury on the first Monday of March, 1897, as said commissioners should have drawn in accordance with existing law on the first Monday of February, 1897.

Effect of act.

SEC. 2. That this act shall have no further effect than for the purposes herein expressed.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 434.

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 three (3) miles beyond the present limit 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.

Raleigh township road district extended.

SEC. 2. This act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1897.

CHAPTER 435.

An act to amend chapter 353, public laws of 1895.

The General Assembly of North Carolina do enact:

SECTION 1. That section five of chapter three hundred and fifty-three, (353) public laws of 1895, is hereby amended, so as to read as follows: "That said road shall be laid off and constructed within four years from the ratification of said act of 1895:" *Provided*, that the board of county commissioners of Jackson county shall have power, if in their discretion they think it best to do so, to abandon the construction of said road in the county of Jackson.

Time for laying off and constructing road extended.

Proviso: Commissioners of Jackson may abandon road in that county.

SEC. 2. That if said commissioners shall elect to proceed with the construction of said road in Jackson county, they are hereby authorized and empowered to furnish all necessary material that may be needed in its construction, including blasting powder to an amount not exceeding five hundred dollars: *Provided*, that the furnishing of materials shall be discretionary with said board of commissioners.

Material furnished if construction of road proceeded with.

Proviso: Discretionary with commissioners.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 436.

An act to provide an alternative method to work, improve and repair the public roads in Sanford township, Moore county.

The General Assembly of North Carolina do enact :

Justices of township may adopt method of road work.

SECTION 1. That the justices of the peace for Sanford township, Moore county, at a meeting to be called by one or more of them, in writing, and held after five days notice, within one month after the ratification of this act, may, by a majority vote (a quorum composed by a majority of the justices of the peace for the township being present, and if a quorum be not present, the meeting shall adjourn from day to day until a quorum is present) adopt an alternative method of work and keeping in repair the public roads of said township, as provided in this act.

Road commissioners.

Proceedings to be reported to commissioners of county. County commissioners to appoint additional road commissioner. Road commissioners to be notified of appointment.

SEC. 2. That when the township shall have adopted the provisions of this act, as above provided for, it shall be the duty of the justices of the peace to elect two road commissioners for said township and report their proceedings in full to the board of county commissioners of Moore county, and it shall be the duty of the said board of county commissioners, at their next regular meeting, after receiving the above report to appoint an additional road commissioner for said township, and it shall be the duty of the clerk of the board of county commissioners to give written notice at once to the person so appointed, and also to the two appointed by the justices of the peace of said township.

Road commissioners to meet and elect chairman.

SEC. 3. It shall be the duty of the persons appointed as road commissioners for said township, to meet within ten days after receiving notice of their appointment, and organize by the election of a chairman and clerk.

Superintendent of roads.

Oath of superintendent.

The said road commissioners, upon their organization, shall elect superintendent of roads for said township, and the person so appointed shall qualify by taking an oath or affirmation, to faithfully discharge the duties of his office as superintendent of roads in said township and to faithfully account for all money that may come into his hands as such; and before entering upon the discharge of the duties of his office he shall execute a bond with ample security, to be approved by the board of road commissioners of said township, and the approval to be ratified by the board of county commissioners, and in such penal sum as the said board of road commissioners may fix, payable to the county, and conditioned for the faithful performance of his

Bond of superintendent.

duties, and the faithful accounting for all monies coming into his hands as superintendent of roads, and shall hold office for one year from the date of his appointment unless removed by the said road commissioners for incompetency, neglect of duty or misappropriation of funds.

SEC. 4. The said road commissioners shall meet the first Saturday in each month in the town of Sanford at such hour as they may fix, to transact any business that may come before them.

SEC. 5. That it shall be the duty of the superintendent, within thirty days after his qualification, to present said road commissioners a plan for the permanent improvement of the roads for said township and the material cheapest and best to be used in accordance with the provisions of this act, by the use of the labor of the county convicts as hereinafter provided, and of such persons residing in the township who may be liable to road duty under the provisions of Section 6 of this act, and of such other as is hereinafter provided for in this act, and shall submit the same to the board of road commissioners at their next regular meeting after the plan is prepared for their approval.

SEC. 6. That all able bodied male persons residing in said township, between the ages of eighteen and forty-five years of age, residence under this act is defined to be that which is necessary to qualify an elector for voting under the present election law, shall be liable to perform annually four days labor under the supervision of the said superintendent of roads, who shall assign each person to work such portions of the public roads as shall be deemed best and most advantageous to the public road system in said township: *Provided*, that any such person may be discharged from such labor upon the payment to the superintendent of roads the sum of two dollars per annum in lieu thereof: *Provided, further*, the board of county commissioners shall have the same power they now have to exempt from road duty.

SEC. 7. That any person assigned to work on the public roads as herein provided, who have been warned in person by the superintendent of roads or by leaving a written notice at his usual place of residence, who shall refuse to attend himself or by able bodied substitute, acceptable to the superintendent of roads, with such tools as required in the notice, or having attended, shall refuse to obey the directions of the superintendent of roads, or shall spend his time in idleness, shall be considered delinquent and shall forfeit and pay to said superintendent of roads two dollars, to be recovered in his official name before some justice of the peace of said county, and upon fail-

Term of office.

Meetings of road commissioners.

Superintendent to present plans for permanent improvement of roads.

Persons liable to work on roads.

Proviso:
Money payment in lieu of road work.

Proviso:
Exemptions.

Penalty for refusal to attend and work on roads.

How penalty recovered.

Failure to pay penalty and costs a misdemeanor. Penalty.

Accounts of superintendent.

Reports of superintendent.

Convicts available for road work.

Judge to assign convicts to road work.

Convicts to be furnished by penitentiary.

Convicts so furnished under control of penitentiary authorities.

Duty of road commissioners.

Township to have preference of railroads.

Special tax for roads.

Rate of property tax.

ure to pay such judgment and costs within ten days, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined ten dollars or imprisoned twenty days in the discretion of the court.

SEC. 8. That it shall be the duty of the said superintendent of roads to keep an accurate account of all money coming into his hands and from what source, together with a true statement of all expenditures and for what purpose, and said report shall be approved by said road commissioners. He shall also make report of the tools and other property in his hands. Also report the number of persons liable to work on the roads under the provisions of Section 6 of this act, and the number of days each one has worked.

SEC. 9. That all persons confined in the county jail, either under a final sentence of the court for crime or imprisoned for non-payment of costs or fines, or under final judgment in cases of bastardy or under the vagrant acts, and all persons sentenced to the state prison for a term of five years or less, shall be available to for the purpose of working the public roads in said township under the provisions of this act, in the discretion of the said road commissioners; and upon application to the judge of the superior court of said county, by said commissioners, it shall be the duty of said judge to assign such persons convicted in said court to said commissioners for such purpose.

SEC. 10. That the board of directors of the penitentiary shall furnish the said board of road commissioners, upon their requisition, not less than twenty nor more than forty convicts to work upon the public roads of said township. The said convicts shall at all times be under the control and discipline as to their government and supervision of the said penitentiary authorities. It shall be the duty of said road commissioners in behalf of the township to have suitable quarters for said convicts for their safe keeping and protection, and shall have provision made for expenses of their transportation and care and keep while in said township working on said roads. Said township shall have preference over any railroad company in the state, except where convicts are specially assigned by statute.

SEC. 11. That within thirty days after the adoption of this act by the justices of the peace of the township, the county commissioners of said county shall provide a sum of money equal to the value of the county convict's labor at fifty cents per day, which in their judgment can be devoted to the roads in said township during the ensuing year, and shall levy a special road tax for said township by way of *ad valorem* tax, not exceeding 30 cents on the one hundred dollars valuation,

upon all property in the township subject to *ad valorem* taxation for state and county purposes, whether such property belongs to citizens of said township or otherwise, and said county commissioners shall also levy a poll tax upon all persons (not exempt by law) of not exceeding 90 cents, which taxes shall be set forth on the tax books of the county in a separate column of the tax books and shall be collected by the sheriff or tax-collector of said county as other taxes are collected, and shall be kept separate, and shall constitute, when collected, the township road fund, and the said board of county commissioners shall cause to be collected, in addition to the above, a license tax, not to exceed twenty per centum of the license taxes under schedule B of the act to raise revenue, for state and county purposes on all persons, firms and corporations in said township liable to said license taxes. And said taxes shall constitute the road fund for said township, and shall be paid out as hereinafter provided.

Rate of poll tax.

To be collected as other taxes.

To be kept separate and constitute township road fund.

License taxes.

SEC. 12. The board of county commissioners shall, upon the requisition of the superintendent of roads for said township, the requisition to be approved by the board of road commissioners for said township, issue warrants or orders upon the county treasurer, ordering him to pay to said superintendent of roads of the township the amount specified in such orders for the purpose of carrying out the provisions of this act, and the treasurer of the county shall pay such orders or warrants and charge them against the township road fund.

How road funds paid out.

The said board of county commissioners shall not be required to issue orders or warrants under the provisions of this section in any one year to an amount greater than the township taxes for the purpose of creating the road fund provided for under this act in that year.

Expenditures limited to amount of tax.

SEC. 13. Said board of road commissioners are hereby empowered to make any rule, regulation or requirement necessary to work the roads of the township and keep them in good repair, that is not inconsistent with the law. They shall have the right to relocate old roads, or open and locate new roads, on their own motion or on petition of citizens of the township, and they shall have the right to condemn land for such roads under the same rules and regulations now given to condemn lands for roads. If the party whose land is to be condemned for such roads demands it, the said board of road commissioners shall appoint two disinterested freeholders of the township to assess the damage done such party by the relocation of old roads or the location of new ones on his property, and the persons so appointed, in making their award of damages to such person,

Powers of road commissioners.

Right to condemn land for roads.

How damages assessed.

Damages to be paid by county.

Compensation of superintendent.

Power of superintendent to enter upon lands and take materials.

How damages ascertained and paid.

Proviso: Claim to be made within three months. Retiring superintendent to turn money and property over to successor.

Penalty for failure.

How penalty recovered.

How method of road work discontinued.

If method discontinued general law to apply.

Repealing clause.

Proviso: Extent of repeal.

shall consider the advantage and the disadvantage such road will be to such party, and the amount awarded for damages shall be paid by the county; that said road commissioners shall fix the compensation of superintendent of road for said township, the amount not to exceed thirty-five dollars per month, and shall have general supervision of the roads of said township.

SEC. 14. That for the purpose of repairing and improving the public roads of said township, the superintendent of roads shall have authority to enter upon any lands, not cultivated, near or adjacent to said roads at which he is work on, to cut and carry away any earth, stone, gravel, sand or wood that may be necessary to build and repair said roads.

SEC. 15. That any person considering himself damaged by such removal of earth, stone, sand or timber, as provided for in the preceeding section, may prefer his claim before the board of county commissioners of Moore county, and when, by reference to arbitration or otherwise, the same may be shown to be just, he shall be paid out of any moneys belonging to said road fund: *Provided*, that such claim is made within three months.

SEC. 16. That the superintendent of roads of said township, on going out of office, shall, on demand, deliver to his successor every kind of property and all money belonging to said road superintendent as superintendent of roads for said township, and all money in his hands by virtue of his office.

And upon failure to do so on demand he shall forfeit and pay double the amount of money in his hands, or double the value of property in his possession, to be recovered by action in the name of the board of commissioners of said county, upon the official bond of said superintendent of roads.

SEC. 17. That should Sanford township, having adopted this alternative method of working the roads of the township, wish hereafter to discontinue the same, it may do so in the manner as is provided in section one of this act for the adoption of this act.

And when the township shall discontinue this act as above provided for, the general road law of the state in force at this time, shall, from and after this time, be in force in said township.

SEC. 18. That upon the adoption of this act by said township, all laws and clauses of laws in conflict with this act shall be, as to said township, void and of no effect: *Provided*, that this act shall not be construed to alter the law now in force for keeping and repairing bridges over streams now bridged in said township, nor shall the adoption of this act by the township have the effect to alter the manner of repairing the streets of the town of

Sanford ; but all taxation shall apply to the citizens of the said town of Sanford, notwithstanding they pay an additional tax to work the streets of said town ; but no person in said corporation shall be required to work the public roads who pays a poll or road tax for the purpose of repairing the streets of said town.

Citizens of town of Sanford liable to tax but not to road work.

SEC. 19. This act shall be in force from and after its ratification.

Ratified the 9th day of March, A. D. 1897.

CHAPTER 437.

An act to amend section 706 of The Code, to give additional time of meeting to the commissioners of Forsyth county.

The General Assembly of North Carolina do enact :

SECTION 1. That section 706 of *The Code* of North Carolina be and the same is hereby amended by striking out after the word "month" in line four the words "but shall not continue longer in session than two days," and insert the words: "and may adjourn from day to day or to any day in the month not exceeding four days in each month," and after the word "day" in line fifteen insert the words, "or to any day in the month."

Meetings of board of county commissioners.

SEC. 2. That this shall apply only to the county of Forsyth.

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

To apply only to Forsyth county.

Ratified the 8th day of March, A. D. 1897.

CHAPTER 438.

An act to create a public school district of the town of Rockingham, North Carolina.

The General Assembly of North Carolina do enact :

SECTION 1. The public school district of the town of Rockingham is hereby created, to be co-equal with the corporate limits of said town, and to be extended whenever the limits of said town are extended.

School district created.

SEC. 2. H. C. Dockery, W. N. Everitt, W. L. Parsons, J. M. Smith and S. T. Cooper, are hereby appointed committee for the said public school district of the town of Rockingham, to hold until the school committees are regularly appointed by the

School committee.

Term of office.

Board of education to elect successors.

Committee to have control of schools.

Terms of equal length.

License tax for sale of liquors.

Fifty per cent. of license tax appropriated to schools.

Committee to provide for pupils outside of district.

May admit pupils free of tuition.

Powers, privileges and duties of school committee.

When act to take effect.

commissioners acting as board of education of the various counties as provided by the general school law of the state, and said commissioners acting as board of education at that time shall elect five (5) school committeemen to succeed those herein named for the term prescribed by law, and the public schools for the white and colored shall be under the control and management of said committee, and said committee shall provide school terms of equal length for the two races.

SEC. 3. The license tax for the sale of liquor in said school district, as imposed and collected by the town of Rockingham, shall not exceed the sum of three hundred (\$300.00) dollars per year, and the charter of the town of Rockingham is amended to this effect, and fifty (50) per cent. of this tax shall be appropriated to the support of the schools for the white and colored children of said district.

SEC. 4. Said school committee shall make such regulations as in their judgment they may deem best to enable the children of Richmond county, who reside outside of the public school district of the town of Rockingham, to attend said schools, upon the payment of a just and reasonable sum for this privilege, and said committee may permit children to attend the school whose parents or guardians or the persons who stand in *loco parentis* are not able to pay for tuition for said children, without paying therefor.

SEC. 5. The school committee herein named shall succeed to all the powers and privileges and duties of the present school committees as they now exist in said town of Rockingham, it being the intention of this act to create a new school district of the territory herein described to supercede all school committees now in existence in said territory.

SEC. 6. This act shall be in force from and after the first day of July, one thousand eight hundred and ninety-seven (1897).

Ratified the—day of March, A. D. 1897.

CHAPTER 439.

An act to amend chapter 341, laws of 1891, to open fish-ways in Catawba river.

The General Assembly of North Carolina do enact:

SECTION 1. That section two (2) of chapter three hundred and forty-one (341) of the laws of eighteen hundred and ninety-one, entitled "an act for the free passage of fish in Catawba river," be amended by striking out all after the word "state" at the end of the third line and adding in lieu thereof the words "under a penalty of twenty-five dollars for every day that such obstruction is allowed to remain," one-half to go to the party suing and the other half "to the school fund of the county where suit is brought." That "this act shall apply to existing dams or obstructions as well as those hereafter erected or arising."

Penalty on obstruction of fish by dams for manufacturing purposes.

How penalty appropriated.

To apply to existing dams.

SEC. 2. That section three (3) of said act be amended by striking out all after the word "fish" in the fourth line of said section, and adding in lieu thereof, "under a penalty of twenty-five dollars for every day that such impediment or obstruction is allowed to remain, one-half to go to the party suing and the other half to the school fund of the county where suit is brought."

Penalty for placing impediment or taking fish within 200 feet of fishway on dam.

How penalty appropriated.

SEC. 3. That section four (4) of said act is hereby repealed and the following substituted therefor: That any justice of the peace in any county bordering on said river, or through which said river runs, shall have jurisdiction of all misdemeanors created by this act and all suits brought for penalties prescribed by this act.

Jurisdiction of misdemeanors and suits for penalties.

SEC. 4. That, in addition to the penalties herein prescribed, any person violating any provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Misdemeanor in addition to penalties. Penalty for misdemeanor.

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 8th day of March, A. D. 1897.

CHAPTER 440.

An act to renew and amend chapter three hundred and fifty (350) of the laws of eighteen hundred and ninety-one, and acts amendatory thereof.

The General Assembly of North Carolina do enact:

Corporators of
Southeastern
North Carolina
railway changed.

SECTION 1. That section one of chapter three hundred and fifty (350) of the laws of eighteen hundred and ninety-one is hereby amended by striking out the names of E. C. Smith, Geo. H. Snow and Gustav Rosenthal as corporators, and inserting as corporators in lieu thereof W. H. Walker, G. L. Taylor and R. H. Hayes.

Length of branch
roads increased.

SEC. 2. That section 2 be amended by striking out the words "twenty-five" in line eight, and inserting in lieu thereof the word "fifty."

Power of con-
solidation
extended.

SEC. 3. That section five be amended by adding after the word "or" in line four of said section the words "mining, manufacturing or development."

Power to sub-
scribe to stock of
corporations
extended.

SEC. 4. That section six be amended by adding after the word "or" in line thirteen of said section the words "mining, manufacturing, development or," and by adding after the word "or" in line sixteen of said section the words "mining, manufacturing, development or," and by adding after word "line" in line seventeen of said section the words "or property."

Power to pur-
chase or lease
other corpora-
tions extended.

Time for con-
struction of road.

SEC. 5. That section twenty-two be amended by striking out all of said section.

Acts as amended
re-enacted.

SEC. 6. That chapter three hundred and fifty (350) of the laws of eighteen hundred and ninety-one, and chapter one hundred and six (106) of the laws of eighteen hundred and ninety-three, amendatory thereto, be and the same are subject to the amendments herein made, hereby reinstated and continued in full force and effect.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 441.

An act to create Beaver Dam township in Washington county.

The General Assembly of North Carolina do enact:

SECTION 1. That there is hereby created in Washington Township
county a township to be known as "Beaver Dam township," Name.
and the boundaries of said township shall be as follows, to-wit:
all that part of Scuppernong township, Washington county, Boundaries.
that lies on the south and east side of Scuppernong river.

SEC. 2. 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 8th day of March, A. D. 1897.

CHAPTER 442.

An act to amend section 2124 of The Code, relating to appeals from assignments of widow's year's support.

The General Assembly of North Carolina do enact:

SECTION 1. That section two thousand one hundred and twenty (2124) four of *The Code* be and the same is hereby Appeal to be
amended in the following manner, to-wit: Strike out all the taken within ten
words following the word "county" in the fourth (4th) line of days.
said section, and insert the following in lieu thereof, to wit:
And within ten days after the assignment cite the adverse
party to appear before such court on a certain day, not less than Appearance day.
five nor exceeding ten days after the service of the citation.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 443.

An act to appropriate four thousand dollars (\$4,000) for the colored normal schools.

The General Assembly of North Carolina do enact:

SECTION 1. That there shall be appropriated annually, in Four thousand
addition to the appropriations heretofore made, from any funds dollars addi-
in the state treasury, the sum of four thousand (\$4,000) dollars tional annual
for the seven (7) state colored normal schools. appropriation for
colored normal
schools.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 444.

An act to authorize the treasurer of Wilkes county to pay W. L. Nicholson balance due for teaching a public school in Wilkes county.

The General Assembly of North Carolina do enact:

Treasurer of
county author-
ized to pay bal-
ance.

SECTION 1. That the treasurer of Wilkes county is hereby authorized and directed to pay to W. L. Nicholson the sum of forty dollars and fifty-five cents (\$40.55), out of the first moneys that shall hereafter come into his hand belonging to district No. 72, for white race of Wilkes county, for balance due him for teaching public school in said district in the year 1896.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 445.

An act to allow the commissioners of Duplin county to levy a special tax.

The General Assembly of North Carolina do enact:

Special tax
authorized for
1899.

SECTION 1. That the county commissioners of Duplin county, North Carolina, are hereby authorized and empowered, for the purpose of settling the indebtedness of the said county, to levy a special tax on the first Monday in June, 1899, not to exceed $8\frac{1}{2}$ cents on the hundred dollars worth of property and 25 cents on each poll.

Rate.

Special tax au-
thorized for 1900.

Rate.

SEC. 2. That the county commissioners of Duplin county, N.C., are hereby authorized and empowered to levy a special tax on the first Monday in June, 1900, not to exceed $8\frac{1}{2}$ cents on the hundred dollars worth of property and 25 cents on each poll.

Commissioners
to borrow money
to pay county
debt.

SEC. 3. That the county commissioners of said county are hereby authorized and empowered to borrow a sum not to exceed three thousand dollars (\$3,000.00), rate of interest not to exceed 6 per cent. per annum, for the purpose of settling the indebtedness of Duplin county, said notes or bonds given for said money not to run exceeding two and one-half years.

Tax to be sub-
mitted to vote of
county at gen-
eral election of
1898.

SEC. 4. That the county commissioners of Duplin county may and are hereby empowered to submit to the qualified voters of the county of Duplin, at the general election to be held in said county in the year 1898, the question whether or not the special taxes as provided for in this act shall be levied. If a majority

of the ballots cast at said election be for special tax the said county commissioners shall have power to levy taxes as provided for in sections one and two, and borrow money as provided in section three of this act. But if a majority of the ballots cast at said election be against special tax, no power to levy taxes or borrow money shall be conferred by this act: *Provided*, that nothing in this act shall confer the power to levy taxes or borrow money without first submitting the question to the qualified voters of the county as provided in this section.

Power of commissioners dependent on result of election.

Proviso:
Tax not to be levied nor money borrowed without submitting questions to voters.
Tax to be collected as other taxes.

SEC. 5. That the taxes levied under this act shall be collected as provided by law for the collection of taxes.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 446.

An act to authorize the treasurer of the county of Durham to pay Miss Ida Christmas, school teacher.

The General Assembly of North Carolina do enact:

SECTION 1. That the treasurer of the county of Durham is hereby authorized and directed to pay Miss Ida Christmas the sum of seventy dollars for teaching a public school in district No. 38, white race, in the county of Durham for the two months of August and September, 1895, and the said sum of seventy dollars be paid out of the school funds apportioned to said district, and take receipt from her therefor, and such receipt shall be a valid voucher in hands of said treasurer in any settlement with him of the school funds.

Treasurer of county authorized to pay claim for teaching.

Receipt from teacher a valid voucher.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 447.

An act for the better protection of fish and game in Rockingham county.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person to hunt or fish on the lands of another in Rockingham county without written consent of the owner.

Unlawful to hunt or fish on land in Rockingham county without consent of owner
Misdemeanor.

SEC. 2. That any person violating any provision of this act shall be guilty of a misdemeanor, and upon conviction thereof

Penalty.

shall be fined not less than five dollars nor more than ten dollars, at the discretion of the court.

SEC. 3. That all laws and clauses 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 the first day of April, eighteen hundred and ninety-seven.

Ratified the 8th day of March, A. D. 1897.

CHAPTER 448.

An act to sell school house and land in district No. 10 $\frac{1}{2}$ in Buncombe county.

The General Assembly of North Carolina do enact :

School committee to sell school house and land and make title.

SECTION 1. That the school committee, J. W. Rice, E. L. Clark and O. B. Candler, of district number ten and one-half (10 $\frac{1}{2}$) of Buncombe county, be and are hereby authorized to sell the school house and land belonging to said school district and make title to the purchaser, and apply said money from said purchase by taking stock in the "Hominy Valley Institute," for the use and benefit of the common school in said district No. ten and one-half (10 $\frac{1}{2}$).

How purchase money used.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 449.

An act to regulate the sale of liquors in Union county.

The General Assembly of North Carolina do enact :

Unlawful to sell, barter or exchange liquor in Union county.

SECTION 1. That it shall be unlawful for any person, firm or corporation to sell, barter or exchange any spirituous or fermented liquors in the county of Union, except that licensed druggists conducting a drug store and manufacturers of proprietary medicines are hereby authorized to purchase such liquors as are needed for compounding medicines, making tinctures and extracts, which cannot be used as a beverage. Any licensed druggist who shall sell, barter or give away or exchange or in any manner dispose of any liquors, the sale of which is forbidden under this act, for any other purpose than is authorized herein, shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not more than thirty days.

Exception as to licensed druggists and manufacturers of proprietary medicines.

Licensed druggist dealing with liquors otherwise than legally guilty of a misdemeanor.

Penalty.

SEC. 2. That *George S. Lee, John J. Crow and A. W. Beggers* (whose compensation for their services rendered under this act shall be one per centum each of the net proceeds of sales) shall constitute "the dispensary board of Union county," with the power of filling any vacancy existing in said board by death, resignation or removal from Monroe township, vested in the survivor or survivors of such board, and whose powers and duties are and shall be as prescribed in this act.

Dispensary Board.

Compensation.

Vacancies.

SEC. 3. The dispensary board of Union county shall establish a dispensary for the sale of spirituous, vinous and malt liquors in the town of Monroe, and one or more dispensaries in the county, as in their discretion may seem to them to be necessary, may be established. The dispensary board shall elect or appoint a manager for each dispensary established, who shall have charge of the dispensary, under the supervision and control of the dispensary board, and who shall hold said position of manager or dispenser at the pleasure of said dispensary board. The said manager or dispenser shall give bond payable to the state of North Carolina in such sum as the dispensary board shall determine, which shall not be less than five hundred dollars, and shall be conditioned for the payment, to the officer entitled to receive the same, of all moneys that may come into his hands as such manager or dispenser, and for the faithful performance of the duties of his position as manager or dispenser, as prescribed in this act, and under such rules and regulations as shall be established by the dispensary board for the effectual enforcement of the provisions of this act. The said manager or dispenser shall receive such salary or compensation as shall be fixed by the dispensary board, which salary shall in no wise be dependent upon the amount of sales made by such dispenser or manager.

Board to establish dispensary at Monroe. Other dispensaries may be established.

Board to appoint managers of dispensaries.

Managers to hold office at pleasure of board. Managers to give bond.

Salary of managers.

Salary not to be dependent on amount of sales.

SEC. 4. The manager of the county dispensary at Monroe, under the direction and supervision of the dispensary board, shall purchase all spirituous, vinous or malt liquors which shall be needed to supply said dispensary or dispensaries established under this act, in such quantities and of such grades as the dispensary board shall direct, and all debts contracted or incurred for the establishment of said dispensaries, purchase of liquors and maintenance of the dispensaries, shall be paid by the treasurer of said county, out of the county funds, upon presentation of an order for the same approved by the dispensary board, which said amounts so paid out by the county treasurer shall be repaid out of the profits arising from sales of liquors by said dispensary or dispensaries. The manager of any dispensary created under this act shall sell for cash only, except that the

Manager of dispensary at Monroe to purchase liquors.

Quantities and grades of liquor purchased prescribed by board.

Debts incurred for establishment of dispensary paid by county.

Amounts so paid to be repaid from profits of dispensary. Managers to sell for cash only.

Manager of county dispensary to furnish supplies to other dispensaries. Record of supplies furnished to be kept.

Monthly reports and settlements of managers.

County treasurer to keep separate account of money paid by managers.

Board to make rules for management of dispensaries.

Spirituous liquors to be bottled by manager of dispensary at Monroe. Size of bottles. Malt liquors purchased in bottles.

Liquor to be sold in bottles and not opened or drunk on premises. When dispensaries to be closed.

Board may close dispensary temporarily in certain cases.

Liquors to be analyzed.

Adulterated

manager of the county dispensary shall furnish to any dispensary created by the dispensary board such supplies as shall be ordered to be furnished it by said dispensary board, of which such manager shall keep a record, showing the quantity furnished, the size of the bottles in which it is furnished, the number of bottles furnished and the date, and prices to be charged for the same. The managers or dispensers shall make monthly reports of all liquors received by them and the amount of sales, and they shall pay over to the treasurer of Union county all moneys received by him or them during the month at the end of every month, and they shall furnish to the dispensary board an account of their sales, together with all applications on which the sales have been made, which shall be the vouchers for such sales. The county treasurer shall keep a separate account of all moneys paid to him by dispensers or managers of dispensaries, and for the faithful accounting for the moneys received by him his bonds given as county treasurer shall be responsible.

SEC. 5. The dispensary board of Union county shall have authority, and it shall be their duty, to make from time to time such rules and regulations for the government of the dispensary or dispensaries as in their judgment shall seem necessary for the proper maintenance and operations of the dispensary or dispensaries, not inconsistent with this act or the laws of the land. All spirituous liquors shall be bottled by the dispenser or manager of the dispensary, established at Monroe, in bottles containing one-half pint, one pint or one quart, and all malt liquors must be bottled, before purchased, by the manager of the county dispenser at Monroe, and all such liquors shall be sold in the bottles and shall not be opened or drunk on the premises occupied by a dispensary. No dispensary shall be opened or remain open after sunset, nor shall they be opened on Sunday, election days or any other days when the sale of liquor is prohibited by law. And whenever the dispensary board, or a majority of them, or any one of them in a case of urgent necessity, shall see the necessity for closing a dispensary temporarily to prevent riot, bloodshed or other infraction of the law, it shall be his duty to do so, and under such circumstances the manager may refuse to sell liquors for the time.

SEC. 6. It shall be the duty of the dispensary board to cause an analysis or inspection of the liquors kept in stock in the dispensary to be made by some person competent to determine whether any of the said liquors are adulterated or impure, to the end that no impure liquors may be sold by the dispensary. If upon an analysis it shall be determined that such

liquors are adulterated, the dispensary board may retain the price of such liquors from the seller, or if they have been paid for, the said dispensary board may recover the amount of the money paid for such liquors from the seller in any of the courts having jurisdiction of the matter.

liquors not to be paid for or price if paid recovered.

SEC. 7. Before selling or delivering to any person any liquors, such person must deliver to the dispenser or his clerk an application printed or written in ink stating the kind, quantity and price of liquor wanted, the true name of the person wanting the liquor, and for whose use it is bought, and correctly dated and signed by the applicant in his own handwriting, if he can write, or witnessed properly, if he makes his mark. It shall be the duty of any dispenser or manager to refuse to fill any application for liquors if he shall know that the person making it is a minor, *non compos mentis*, a lunatic, an intoxicated person or one given to the excessive use of liquor. Any person making a false statement of any fact required to be stated by this act, signing any name to an application other than his own, or making his mark without being properly witnessed, or purposely dating the application incorrectly, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Application to buy liquor written or printed.

What application to state.

Persons to whom manager shall refuse to sell liquor.

Persons making false statements in application for liquor guilty of a misdemeanor.

Penalty.

SEC. 8. After the payment of the expenses of operating and maintaining the dispensary at Monroe there shall be paid out of the net profits from the sales of liquors, one-half thereof into the general fund of the treasury of the town of Monroe, and one-half into the school fund of the county of Union, until graded schools shall be established for the town of Monroe, and then the one-half appropriated to the general county school fund shall be paid to the treasurer of Monroe for the purpose of a graded school.

How profits of dispensary at Monroe appropriated.

SEC. 9. If the dispenser or clerk shall procure any intoxicating liquor from any person other than those which the dispensary board shall direct, and offer the same for sale, or shall adulterate, or cause to be adulterated, any intoxicating liquors which may be kept for sale in the dispensary, by mixing with coloring matter or any drug or ingredient whatever, or with other liquors of a different kind or quality, or with water, and expose the same to sale, he shall be guilty of a misdemeanor, and on conviction shall be fined not less than one hundred dollars or imprisoned not less than three months. If any dispenser or manager appointed by the dispensary board shall misappropriate or wrongfully dispose of any moneys or other property belonging to said dispensary so established, or shall fail to

Acts of dispenser and clerk constituting misdemeanor.

Penalty.

Dispenser or manager failing to account for and pay over money guilty of embezzlement.

account for and pay over the same when demanded, he shall be guilty of embezzlement and punished as for that crime.

Accounts to be kept by manager.

SEC. 10. Every dispenser or manager shall keep a correct account of all liquors received by him, the quantity and the number and size of the bottles in which it has been placed, which said account shall at all times be open to the inspection of the dispensary board, the solicitor of the judicial district, the grand jury of the county and of any officer whose duty it is to preserve the peace. The said book shall further show the sales, the name of the person to whom sold, the price received, the quantity and price of the liquor sold, and at the end of every month the said dispenser or manager shall balance his books so as to show the amount sold as well as the amount still on hand of each kind of liquor, which said account shall be sworn to by the said dispenser as being correct; and if the said dispenser shall knowingly make any false statement touching any matter in said account, or shall falsely make any return, he shall be guilty of perjury, and on conviction punished as for that crime.

Accounts open to inspection of officers.

Further accounts kept.

Books to be balanced monthly.

Accounts to be sworn to.

False statement in account or false return perjury.

Keeping of club rooms a misdemeanor.

SEC. 11. Every person who shall, by himself or by association with another or others, keep or maintain, or assist in keeping or maintaining, any club-room or other place where liquors shall be sold, exchanged, bartered, given away or divided among its members for the purpose of avoiding the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred dollars or imprisoned not less than thirty days, or both, at the discretion of the court.

Penalty.

Duty of county treasurer on failure of manager to account and settle.

SEC. 12. Upon the failure of any dispenser or manager to make returns, as required by this act, to the treasurer of the county, or to make any account which he is required to make, it shall be the duty of the treasurer of the county to make a report of such failure to the dispensary board, stating such failure; thereupon the dispensary board shall proceed at once to summon the delinquent manager or dispenser to appear before them to show cause why his appointment should not be revoked, and if, upon investigation, it shall be ascertained that the said dispenser has not complied with the requirements of this act, the said dispensary board shall notify the solicitor of the judicial district of the charge against the said dispenser, and require him to prosecute the said offender for the violations of his duty under this act.

Duty of dispensary board.

Manufacturers of liquor not to sell in county except to dispensary board.

SEC. 13. It shall not be lawful for any manufacturer of spirituous, vinous or malt liquors to sell the same at the place of manufacture in the county of Union, except as herein allowed

to make sales to the dispensary board. A violation of this section by any person shall be a misdemeanor, and on conviction he shall be fined fifty dollars.

Misdemeanor.
Penalty.

SEC. 14. That it shall be the duty of the solicitor prosecuting for the state to give special attention to any charges made to him for violations of the provisions of this act, and whenever it shall be reported to him by the dispensary board that abuses and violations of this act are being done, he shall proceed to investigate, convict such persons as are guilty, and pray the judgment of the court upon convicted persons. And if the solicitor shall fail to discharge his duty with reference to violations of this act, or if the dispensary board shall deem that the enforcement of the law shall require it, the said dispensary board are authorized to employ special counsel to prosecute offenders, and the said counsel shall be paid reasonable compensation for their services by the county of Union, upon the certificate of the dispensary board, approved by the county commissioners of Union county.

Duty of solicitor
of judicial dis-
trict.

Dispensary
board may em-
ploy special
counsel.

Compensation of
counsel.

SEC. 15. That all laws and clauses of laws in conflict with this act are hereby repealed in so far as they relate to the county of Union: *Provided*, any act of the legislature heretofore establishing any dispensary at Waxhaw shall not be affected thereby.

Repealing clause.

Proviso:
Repeal not to
affect dispensary
at Waxhaw.
When act to take
effect.

SEC. 16. That this act shall be in force from and after January 1, 1898.

Ratified the 8th day of March, A. D. 1897.

CHAPTER 450.

An act for the benefit of public schools in the county of Tyrrell.

The General Assembly of North Carolina do enact:

SECTION 1. That upon the application of a majority of the qualified voters of any township in the county of Tyrrell, signed by petition, filed with the board of county commissioners of said county, the said board of commissioners shall, annually thereafter, levy in such township a special tax of fifteen cents on the one hundred dollars valuation of property and forty-five cents on each poll.

Special tax
levied on petition
of majority of
qualified voters
of township.

Rate.

SEC. 2. That said tax shall be applied to the public schools of the township asking for the same.

Tax applied to
public schools of
township.

SEC. 3. That said tax shall be collected and paid out under the same rules and regulations as other taxes are.

Tax collected
and paid out as
other taxes.

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

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 451.

An act for the relief of Cumberland county.

The General Assembly of North Carolina do enact :

Commissioners of county authorized to use sewer of Fayetteville.

SECTION 1. That it shall be lawful for, and authority is hereby given to, the commissioners Cumberland county, to use the sewers and drains of the city of Fayetteville as they are used at the present time, for the purpose of draining the court house and jail property of said county, and for the purpose of carrying away all refuse and other objectionable matter from the pipes and closets of said court house and jail.

How questions affecting sewerage system of city decided.

SEC. 2. That if, at any time after the ratification of this act, any question shall arise as to the advisability of continuing the said sewerage or drainage as now in use, or of changing the same in any manner or for any purpose, such question or questions shall be determined by the mayor of the city of Fayetteville, the president of the board of health of Cumberland county, the county surveyor of said county, and the commissioners of said county, all of whom shall sit in joint session and be entitled to one vote each, and the vote of a majority of them shall be final.

Places for drainage of court house and jail in case present system of sewerage abandoned.

How new system adopted.

SEC. 3. That upon a determination to discontinue the present sewerage or drainage now in use, some other mode or arrangement shall be adopted for the proper sewerage of said court house and jail, and the same shall be adopted by a majority vote of the mayor of the city of Fayetteville, the president of the board of health of Cumberland county, the county surveyor of said county, and the commissioners of said county, sitting in joint session as provided in the preceding section (section 2) of this act, and the present system of sewerage as now use shall not be discontinued nor interfered by any person or corporation until such newly adopted plans shall be perfected and put into use.

Present system not to be discontinued until other put in use.

County commissioners may use streets of city in laying sewers.

SEC. 4. That the commissioners of Cumberland county shall have the right, and authority is hereby given them, to use the streets of the city of Fayetteville, or so much thereof as may be necessary, for constructing a building sewers and laying pipes

and drains, and maintaining the necessary sewer or sewers therein for the use of said court house and jail property. And the route or routes and courses, and the terminus or outlet, and all details for such sewer or sewers shall be fixed, located, mapped out and defined by said commissioners and the mayor of the city of Fayetteville, the president of the county board of health and the county surveyor, as prescribed in section 2 of this act, and the decision of a majority of them shall be final.

How routes, courses and outlets of sewers decided on.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 452.

An act to create and establish a free school district at the county-line between the counties of Guilford, Forsyth and Davidson.

The General Assembly of North Carolina do enact:

SECTION 1. That a free school district is hereby created at the county line between the counties of Guilford, Forsyth and Davidson, to be composed of a part of Sandy Ridge and Gum Grove free school district in Guilford county, a part of No. 1 free school district in Forsyth, and a part of Pine Stump free school district in Davidson county, under the name of "The Davis 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 three counties (a portion of which is embraced in this district) shall all be paid to the treasurer of Guilford county, who shall become the treasurer of said school district. The limits of the Davis free school district shall be as follows, to-wit: Beginning at the mud mill on Deep river in Guilford county, now owned by B. M. Stafford, running north with Deep river to the ford in the J. A. Davis plantation, thence in a westerly direction to S. E. Stafford's house; thence in a southerly direction to Levi Ring's house; thence to the Wood old place, now owned by J. B. Idol; thence southwest to D. C. Morgan's house; thence to R. F. Idol's house; thence to Richard Brown's house; thence east to D. P. Glasco's house; thence southeast to John Chapman's house; thence northeast to the Hudson Mendenhall place, now owned by P. W. Willard; thence north to the beginning. All the houses

School district created.

How composed.

Name of district.

Governed by general school law.
Proviso:
Treasurer of Guilford county treasurer of district.

Boundaries of district.

mentioned in the boundaries of this free school district shall be and the same are hereby included in the said Davis free school district.

School committee appointed.

Committee to borrow money to build school house.

Money borrowed repaid in instalments.

How and where successors to school committee appointed.

School census.

Census for each county reported to board of education of that county.

SEC. 2. That John M. Davis, Isaac Payne and Levi Ring, are hereby appointed and constituted a committee for said free school district, and the said committee are hereby authorized and empowered to borrow a sufficient amount of money, not to exceed one hundred dollars, for the purpose of building or assisting to build a new school house in said Davis free school district, and said committee are hereby empowered to give their joint note for the said one hundred dollars, or so much thereof as may be necessary for the purpose above named, with the understanding that the amount of money appropriated or allotted from time to time to the said Davis free school district shall be a guarantee to the parties making the loan to the committee of said district, for the faithful payment of the same in yearly instalments from the amount of money appropriated to said district; said instalments not to exceed twenty-five dollars in any one year, or in such smaller yearly instalments as may be agreed upon between the committee and the party who makes to them the loan and the said John M. Davis, Isaac Payne and Levi Ring, the committee hereby appointed for said free school district or their successors in office, shall truly comply with section two of this act.

SEC. 3. That it shall be the duty of the board of education of each of the counties of Guilford, Davidson and Forsyth, at their first meeting for the purpose of appointing school committees, after the committee herein named shall have held their office for a term of two years, to appoint their successors. The board of education of Guilford county shall appoint one from that part of the district lying in Guilford county; the board of education of Forsyth county shall appoint one from that part of the district lying in Forsyth, and the board of education of Davidson county shall appoint one from that part of the district lying in Davidson, and all the committees hereafter appointed for said district shall be appointed as above stated. It shall be the duty of said school committee at the time provided by law to make a census of the children for other free school districts in the state to make a true and correct report of the number of children of school age in that part of the district lying in Guilford county, and forward to the board of education for Guilford county, and in like manner they shall make a report of all the children of school age in that part of the district lying in Davidson county and forward to the board of education for Davidson county, and at the same time and in like

manner they shall make a report of the number of children of school age in that part of the district lying in Forsyth county and report the same to the board of education of Forsyth county.

SEC. 4. That all the children of school age in that part of the district lying in Davidson county shall receive their *pro rata* share of the school fund of that county, which, upon being paid into the treasury of Davidson 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 the said Davis free school district.

Allotment of school fund from Davidson county.

SEC. 5. That all the children of school age in that part of the district lying in Forsyth county shall receive their *pro rata* share of the public school fund of that 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, to be paid out by the said treasurer of Guilford county, 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 any of the moneys received from the counties of Davidson and Forsyth.

Allotment of school fund from Forsyth county.

Allotment from Guilford county.

Proviso: Compensation of treasurer.

SEC. 6. That the teacher employed to teach school at any time in said district shall have a certificate from the proper authorities of either Guilford, Davidson or Forsyth, as the committee of said district may elect, but nothing herein contained shall compel any such teachers to stand an examination in more than one county to teach the same term of school.

Teacher to be certified by authorities of either county. Teacher not required to stand examination in more than one county.

SEC. 7. That all laws and parts 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 8th day of March, A. D. 1897.

CHAPTER 453.

An act to protect deer in certain counties.

The General Assembly of North Carolina do enact :

Misdemeanor to hunt with gun, chase with dog or kill deer within five years.

Penalty.

To apply only to Macon and Clay counties.

SECTION 1. That any person who shall hunt with gun, or chase with dog, or shall kill or destroy any deer running wild in the woods or elsewhere, at any time within the next five years, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than fifteen dollars nor more than fifty dollars, or be imprisoned not less than thirty days, at the discretion of the court, or both fined and imprisoned.

SEC. 2. That this act shall apply only to the counties of Macon and Clay.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 454.

An act to protect partridges and squirrels in Pasquotank county.

Close season for partridges.

Close season for squirrels.

Violation of act a misdemeanor. Penalty.

To apply only to Pasquotank county.

SECTION 1. That it shall be unlawful for any person to shoot, trap or kill in any way partridges except between the first day of December and the fifteenth day of March of any year or years, or to hunt or kill squirrels except between the first day of October and the first day of March of any year or years.

SEC. 2. Any person violating the provisions of this act shall be guilty of a misdemeanor, and shall be fined or imprisoned at the discretion of the court.

SEC. 3. That this act shall apply only to Pasquotank county.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 455.

An act to correct State Grant No. 2710, issued to George Sti-
winter in Macon county.

The General Assembly of North Carolina do enact:

SECTION 1. That state grant number 2710, issued to George Sti-
winter, containing 100 acres of land, lying and being in Macon
county, on the waters of Walnut creek, be and the same is
hereby corrected so as to read as follows, to-wit: The second
call in said grant read instead of south 70° east, north 70° east,
and the fourth call to stop at 115 poles instead of 150 poles.

Grant from state
corrected.

Corrections.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 456.

An act to amend chapter 301 of the laws of 1891.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and one (301) of the
laws of one thousand eight hundred and ninety-one (1891) be
amended so as to empower the company therein mentioned to
have power until the first day of January, one thousand and
nine hundred (1900), to commence the building and construction
of the railroad as contemplated by its charter.

Greensboro and
Norfolk Midland
railroad com-
pany allowed
further time to
commence build-
ing road.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 457.

An act to extend the time for the tax collector of Clay county
to settle.

The General Assembly of North Carolina do enact:

SECTION 1. That Geo. M. Johnson, tax collector of Clay
county, be and the same is hereby allowed until the 1st Monday
in May, 1897, to make settlement with the state treasurer.

SEC. 2. That this act shall be in force from and after its rati-
fication.

Tax collector
allowed until 1st
May, 1897, to
settle with state
treasurer.

Ratified the 8th day of March, A. D. 1897.

CHAPTER 458.

An act to change places of voting in St. John's township,
Hertford county.*The General Assembly of North Carolina do enact:*Voting place for
No. 1 precinct.

SECTION 1. That the voting place of precinct number one (1) St. John's township, Hertford county, be and is hereby declared to be at E. T. Snipes' store, in said township and county.

Voting place for
No. 3 precinct.

SEC. 2. That the voting place of precinct number three (3) St. John's township in said county be and is hereby declared to be at public school house near C. W. Mitchell's water mill in said township.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 459.

An act for the relief of D. L. Watts, clerk of the superior court
of Cherokee county, and to authorize deputy clerk of the
superior court to perform duties of clerk.*The General Assembly of North Carolina do enact:*Clerk allowed to
be absent three
consecutive
months.

SECTION 1. That D. L. Watts, clerk of the superior court of Cherokee county, be and he is hereby authorized to be absent from his office for three consecutive months at such times as may be necessary to receive medical aid and change of climate.

To leave office in
charge of com-
petent deputy.

SEC. 2. That whenever he shall 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 vested with full judicial power to take proof or acknowledgment of all deeds and other instruments requiring registrations, to the same extent that the clerk might do were he present in person, and such probate and registrations thereunder shall be valid.

Power of deputy
during absence
of clerk.

SEC. 3. That the said deputy clerk shall have jurisdiction to take the probate of wills in common form, with the same powers as the said principal clerk, were he present in person.

Jurisdiction of
probate of wills.

SEC. 4. That said clerk, D. L. Watts, be exempt from the requirements of section one hundred and fourteen (114) of *The Code* during his absence.

Exemption from
requirement to
open office on
every Munday.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 460.

An act to provide for the election of tax collector for Mecklenburg county.

The General Assembly of North Carolina do enact :

SECTION 1. That the county of Mecklenburg be and is hereby divided into three tax districts, as follows:

District No. 1, Berryhill, Paw creek, Long creek, Lemley, Huntersville, Dewese, Mallard creek and Crab Orchard township; District No. 2, Charlotte township; District No. 3, Steel creek, Sharon, Pineville, Providence, Morning Star and Clear creek township.

SEC. 2. That tax collector to collect all state and county taxes shall be elected for each of the tax districts in Mecklenburg county at the next general election for members of the General Assembly, and every two years thereafter.

SEC. 3. That the tax collector of said district in the county of Mecklenburg, elected under section one (1) of this act, shall file with the board of county commissioners of said county bonds for double the amount of taxes to be collected, said bond to be approved and conform in all respects to the bond of sheriff given for the collection of taxes; and in case any person elected tax collector under this act shall fail to file his bonds as required by this act, then the board of county commissioners shall declare the office of tax collector vacant, and are hereby empowered and authorized to proceed to fill the same.

SEC. 4. Said tax collectors are hereby invested with all the rights and powers prescribed by law for collecting the taxes by the sheriff. All laws and clauses of laws in conflict with this act are hereby repealed.

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

Ratified the 8th day of March, A. D. 1897.

Mecklenburg
county divided
into tax districts.
District No. 1.

District No. 2.
District No. 3.

Tax collector to
be elected for
each tax district.

Bonds to be filed
by tax collectors.

On failure of tax
collector to file
bond county
commissioners
declare vacancy
and fill same.

Powers of tax
collectors.

CHAPTER 461.

An act to amend chapter 35, section 1, public laws of 1895.

The General Assembly of North Carolina do enact :

Expense of moving fence on release of territory from stock law to be paid by residents of territory released.

SECTION 1. That chapter thirty-five, public laws of 1895, be amended as follows: After the word ("laws") in last line of section 1 of said chapter add the following: *Provided*, the expense incurred in changing the fence in such boundary district or territory so released be paid by the property holders in such boundary district or territory, and that the commissioners of the county levy the tax to pay the same on the property holders of such boundary district or territory so released, but they shall not be further liable for keeping up said stock law fence.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 462.

An act for the relief of the clerk of the superior court of Dare county.

The General Assembly of North Carolina do enact :

May be absent from office any days except Mondays and Saturdays.

SECTION 1. That the clerk of the superior court of Dare county is hereby privileged to be absent from his office on any of the days of the week excepting Mondays and Saturdays.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 463.

An act to repeal chapter 238 of the laws of 1889.

The General Assembly of North Carolina do enact :

Prohibition of sale of liquor in Pineville on prescription repealed.

SECTION 1. That chapter two hundred and thirty-eight (238) of the laws of one thousand eight hundred and eighty-nine (1889) be and the same is hereby repealed.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 464.

An act to regulate the public printing.

The General Assembly of North Carolina do enact :

SECTION 1. That all printing and binding required by the state shall be under the supervision and control of the council of state, and shall be contracted for by the said council under such rules and regulations as the council may devise for the best interest of economy for the state.

Printing and binding to be under supervision and control of council of state.
To be contracted for by council.

SEC. 2. That chapter 20 of the laws of one thousand eight hundred and ninety-five be and is hereby repealed.

Act providing for letting public printing repealed.
General repealing clause.

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 the first day of July, one thousand eight hundred and ninety-seven.

When act to take effect.

Ratified the 8th day of March, A. D. 1897.

CHAPTER 465.

An act concerning the colored state normal schools.

The General Assembly of North Carolina do enact :

SECTION 1. That the entire amount of money now appropriated in aid of the colored state normal schools shall be ascertained by the superintendent of public instruction, and he shall divide this sum equally among the several schools, and the state treasurer shall pay the proportionate amount to each of the said schools as shall be certified to him by the superintendent of public instruction.

Appropriations to colored normal schools to be divided equally.

SEC. 2. All acts making appropriations to the several colored state normal schools are amended as provided in the first section of this act.

Appropriation acts amended to conform to this act.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 466.

An act to repeal chapter 535, laws of 1891.

The General Assembly of North Carolina do enact:

Act to protect
fish in Sweeten
Water Creek in
Martin county
repealed.

SECTION 1. That chapter five hundred and thirty-five (535), laws of eighteen hundred and ninety-one (1891), be and the same is hereby repealed.

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

Ratified the 8th day of March, 1897.

CHAPTER 467.

An act to indulge the tax payers of Hyde county.

The General Assembly of North Carolina do enact:

Late sheriff
allowed until 1st
December 1897 to
settle with
county commis-
sioners.

SECTION 1. That the time be extended to the thirty-first day of December, one thousand eight hundred and ninety-seven, for R. D. Harris, late sheriff of Hyde county, to make final settlement with the county commissioners for the county taxes for the year one thousand eight hundred and ninety-six.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 468.

An act to amend chapter four hundred and fifty-nine, "459," of the laws of eighteen hundred and ninety-one, "1891," in relation to price paid for weighing cotton.

The General Assembly of North Carolina do enact:

Violation of act
made a misde-
meanor.

SECTION 1. That chapter four hundred and fifty-nine, "459," of the laws of eighteen hundred and ninety-one, "1891," be amended as follows: By adding between section two "2" and section three "3" the following: That any person or persons violating the provisions of this act shall, on conviction, be fined for each offence not less than five dollars, nor more than fifty dollars, or imprisoned not to exceed thirty days, and said fine to go to the public school fund of the county.

Penalty.

How fine appro-
priated.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 469.

An act to amend an act to incorporate the Moore county and Western railroad company."*The General Assembly of North Carolina do enact :*

SECTION 1. That whenever, in the petition for an election to vote in favor of a subscription to the capital stock of the Moore county and Western railroad company in any township or county, it shall be specified that it is proposed to issue coupon bonds which shall run for thirty years and bear interest at a rate not exceeding six per cent., the board of commissioners of said county, or the board of commissioners of the county wherein said township is located shall, in the event that a majority of the qualified voters shall have voted in favor of said subscription, subscribe to the capital stock for such amount as was named in said petition, and shall issue coupon bonds which shall run for thirty years and bear interest at a rate not exceeding six per cent. per annum, payable semi-annually, at the first national bank of Raleigh, North Carolina, and said commissioners are hereby authorized and required to levy taxes for the payment of said bonds in the manner provided in section ten of the act incorporating said Moore county and Western railroad company.

Subscription to stock by municipal corporation.

Bonds to be issued.

Special tax for payment of bonds.

SEC. 2. That where a majority of the qualified voters of any township or county, through or into which the Moore county and Western railroad company is authorized by its charter to construct its line of railroad, have heretofore voted in favor a subscription to the capital stock of a railroad company whose charter is forfeited or expires without any stock having been issued or any bonds delivered to secure the payment of said stock, and said stock has been subscribed by the board of county commissioners prior to the passage of this act, in behalf of said township or county having so voted, the board of commissioners of said county, upon petition of a majority of said qualified voters of said township or county, are hereby authorized, empowered and required to transfer said subscription to the capital stock of said company to the Moore county and Western railroad company, and said Moore county and Western railroad company is hereby authorized to issue its stock to said township or county, and to receive therefor the coupon bonds of said township or county, issued by the board of commissioners in its behalf, which said board shall be required to

Subscriptions heretofore voted to other roads to be transferred to this road.

Stock to be issued and bonds received in payment.

Bonds to be delivered when road completed into township or county.

deliver whenever said Moore county and Western railroad company shall have completed its line of railroad through or into said township or county as proposed at the time of the filing of the petition aforesaid.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 470.

An act to authorize the treasurer of Haywood county to pay a certain school claim.

The General Assembly of North Carolina do enact:

Treasurer of county authorized to pay Mary Rogers \$19 from school fund.

SECTION 1. That the treasurer of Haywood county is hereby authorized and empowered to pay to Mary Rogers the sum of nineteen (\$19.00) dollars out of any of the public school fund of district number 24 of Haywood county for the year 1897.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 471.

An act for the relief of John P. Leach, ex-sheriff of Montgomery county.

The General Assembly of North Carolina do enact:

Authorized to collect arrears of taxes.

SECTION 1. That John P. Leach, ex-sheriff of Montgomery county, be and is hereby authorized to collect for the benefit of himself the arrears of taxes due him in said county for the years 1891, 1892, 1893 and 1894, under such rules and regulations as are prescribed by law for the collection of taxes.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 472.

An act for the drainage of Fourth creek in Iredell and Rowan counties.

The General Assembly of North Carolina do enact :

SECTION 1. That J. Murdock, J. F. Dobson, W. Y. Hare of Iredell county, and John Steele and Thomas Niblack of Rowan county be appointed commissioners whose duty it shall be, as soon as practicable, to lay off Fourth creek from the Yadkin river where the waters of Fourth creek empty, to Mrs. Mary Davis' mill bridge on the said Fourth creek, into sections of convenient length, to appoint one overseer for each section, who shall hold the office for the term of two years, and who shall reside nearest the section over which he is appointed.

Commissioners appointed.

Duty of commissioners.

Overseers.

SEC. 2. That a majority of said commissioners shall have power to elect one of their number chairman, and may fill vacancies in their own number or 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 commissioner and overseer for the purpose herein mentioned.

Commissioners to elect chairman and fill vacancies.

On failure of commissioners county commissioners to appoint.

SEC. 3. That said commissioners shall estimate the number of acres of bottom land belonging to each landowner in Iredell and Rowan counties on Fourth creek between the points mentioned in section first of this act and lying within one-half 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 this section, and said land owners, when required by the overseer of the section in which their bottoms lie, and upon a notice of three 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 as 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.

Commissioners to estimate bottom lands.

Copy of estimate to be given to overseers.

Owners of bottom lands to furnish hands.

Forfeit for failure to furnish hands.

SEC. 4. That it shall be the duty of the commissioners in laying off the creek in 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

Work proportioned to ownership of land.

within the estimate provided, or 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.

Duties and powers of overseers.

SEC. 5. That it shall be the duty of each overseer with the hands as provided to work each and every year, within the bounds of their respective sections, not less than four nor more than twenty 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.

Misdemeanor to fell timber in or otherwise obstruct creek.

SEC. 6. That any person or persons who shall willfully and knowingly fell any timber, or otherwise obstruct the water in the channel of said creek between said points of said boundary in said counties, and shall permit the same to remain therein for the space of ten 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 ;

Penalty.

Proviso :
Person paying penalty before presentment not liable to indictment.

Provided, that if any person or persons so offending shall pay the penalty herein mentioned to the overseer of the section wherein the offence was committed, before a presentment was made of the same, he or they shall not be liable to indictment for said offence.

Money paid for failure to work and penalties to be expended on creek.

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 commissioner or 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.

Commissioner or overseer failing to perform duty guilty of a misdemeanor.
Penalty.
Proviso :
No person compelled to serve as overseer more than one term.
Obstruction of commissioners, engineer, surveyor, overseer or hands a misdemeanor.

SEC. 8. That any owner of land affected by the provisions of this act, who shall willfully obstruct the said commissioners, engineer, surveyor, overseer or hands in carrying out the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding fifty dollars or imprisoned not more than thirty days.

Penalty.

Land owner doing work at his own expense exempt from furnishing hand.

SEC. 9. That any landowner affected by the provisions of this act, either directly or indirectly, who may, at his own expense, properly clean out and care for any stream embraced within the provisions of this act, either directly or indirectly,

which touches or traverses his lands, and who may keep such lands properly drained in a manner to be approved by the overseer designated herein to exercise supervision over the same, subject to an appeal to the creek commissioners herein provided for, shall be exempt from furnishing the hands provided for in this act.

SEC. 10. That whenever necessary and with notice, it shall be the duty of all hands within the territory designated by this act to assemble at any given place of work on said creek, together with the overseer, and any one failing so to do shall be guilty of a misdemeanor.

Hands to work when notified.

Failure to appear at work a misdemeanor.

SEC. 11. That the work upon said stream or streams shall be done only in the months of July, August and September. Said creek commissioners shall have the power and may demand teams of said landowners in lieu of the labor of said hands, at a fair valuation, when necessary for the purposes herein expressed.

When work to be done.

Power of commissioners to demand teams.

SEC. 12. That for each and every day said commissioners or either of them shall be engaged in allotting said lands along said creek, said commissioners shall be credited to the amount of three hands per day to each commissioner, and for every day any overseer is engaged two hands shall be allowed to him as if actually furnished. The owners of lands along said creek shall be required to show the exact lines and boundaries of their respective farms to the commissioners.

Allowance to commissioners and owners.

Owners of land to show lines.

SEC. 13. 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 landowners for their own convenience.

Public and private bridges and water gates.

SEC. 14. That nothing herein contained shall be so construed as to exempt persons therein mentioned from working on public roads.

No exemption from road work.

SEC. 15. This act shall be in force from and after its ratification.

Ratified the 9th day of March, A. D. 1897.

CHAPTER 473.

An act to prevent the careless rafting of logs down Lumber river.

The General Assembly of North Carolina do enact:

SECTION 1. That any person or persons placing logs or timber in the waters of Lumber river, for the purpose of rafting or running said logs down said river, shall be liable for all damages which may occur in transit to bridges; and the person or

Persons rafting logs in Lumber river responsible for damages to bridges.

Logs may be seized for damages.

Expenses incurred by county.

If owner fail to pay damages logs to be sold.

Damages and expenses paid from proceeds.

Proviso :
Logs seized to be advertised and sold by constable or sheriff.

To apply only to Robeson and Richmond counties.

persons placing said logs or timbers in said river shall be construed to be the owner of said logs or timbers, and the logs or timbers may be seized by any county commissioner, justice of the peace, sheriff or constable of Robeson or Richmond counties for damages done by same to bridges over said river in said county.

SEC. 2. That the damages shall be all the expenses incurred by said county in repairing the damages caused to bridges as aforesaid by logs or timbers as aforesaid.

SEC. 3. That should the owner or owners of the logs or timbers causing the damages as aforesaid fail to pay the same upon demand, then and in that event the logs or timbers shall be sold by the officer making the seizure, after due advertisement as for sales of personal property under execution, and out of the proceeds shall first be paid the damages to the bridge or bridges, together with the costs of seizure, keeping and sale of logs or timbers, and the residue if any paid to the owner or owners : *Provided*, however, that should the seizure be made by a county commissioner or justice of the peace that it shall be his duty to turn it over to a constable or the sheriff of said county for the purposes of advertisement and sale.

SEC. 4. That all laws and clauses of laws in conflict be and the same hereby repealed, and this shall apply to Robeson and Richmond counties.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 474.

An act to repeal chapter 274, public laws of North Carolina, acts of 1895.

The General Assembly of North Carolina do enact :

Act giving sheriff of Madison county control of convicts repealed.

SECTION 1. That chapter two hundred and seventy-four (274), public laws of North Carolina, acts of one thousand eight hundred and ninety-five (1895), be and the same is hereby repealed.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 475.

An act to repeal chapter 297 of the laws of 1895.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter 297 of the laws of 1895 be and the same is hereby repealed.

Law allowing
elections for
school tax
repealed.
Repeal to apply
only to Stokes.

SEC. 2. That this act shall apply only to the county of Stokes.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 476.

An act to amend subdivision two of section 349 of The Code.

The General Assembly of North Carolina do enact :

SECTION 1. That subdivision two (2) of section three hundred and forty-nine (349) of *The Code* be amended by adding after the word "state" in line two of said subdivision, and before the semi-colon the words "or a domestic corporation none of whose officers can be found in the state after due diligence."

Attachment to
lie against do-
mestic corpora-
tion none of
whose officers
can be found in
state.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 477.

An act to repeal chapter two hundred and ninety-one of Public laws of eighteen hundred and ninety-five.

The General Assembly of North Carolina do enact :

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

Act to protect
fish in the waters
of North river
and its tribu-
taries repealed.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 478.

An act to proteat fishing machines on Roanoke river.

The General Assembly of North Carolina do enact :

Unlawful to put logs adrift in Roanoke river without remaining with them. Penalty if fishing machines damaged.

SECTION 1. That no person shall put shall put logs adrift in the Roanoke river without remaining with them, and if said logs shall damage any fishing machines, the owners of said logs shall pay a fine of not less than ten dollars (\$10.00) nor more than fifty (\$50.00) dollars, nor imprisoned more than thirty days.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 479.

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

The General Assembly of North Carolina do enact :

Commissioners of Caldwell county and town authorities of Lenoir to provide for expense of working convicts.

SECTION 1. That the county commissioners of Caldwell county and the municipal authorities of the town of Lenoir in said county are hereby authorized and empowered to provide, at their discretion, for the expenses connected with the guarding and support of such municipal, county or other prisoners, designated in this act, as may be sentenced in Caldwell and adjoining counties to work on the public roads or other highways in said Caldwell county.

Convicts available for work on roads.

SEC. 2. That all able-bodied male persons confined in the county jail under a final sentence of the court for crime, or imprisonment for 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 commissioners of Caldwell county for use on the public roads of the county, or on the streets of the town of Lenoir in said county of Caldwell, at the discretion of the county commissioners. Upon the application of the said commissioners of Caldwell county to the judge of the superior court, or the judge or presiding officer of any inferior court, it shall be the duty of the said judge or the presiding officer to assign such persons convicted in his court to said commissioners for work on the public roads of said county, or upon the streets of the town of Lenoir in said county.

Courts to assign convicts to road work.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 480.

An act to make an itemized statement of an account properly verified *prima facie* evidence of its correctness.

The General Assembly of North Carolina do enact :

SECTION 1. That hereafter in any actions instituted in any court of this state upon an account for goods sold and delivered an itemized statement of said account properly verified shall be received in evidence, and shall be deemed *prima facie* evidence of the correctness of said account. Sworn itemized statement of account *prima facie* evidence of correctness.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 481.

An act for the relief of F. P. Hall.

The General Assembly of North Carolina do enact :

SECTION 1. That the treasurer of Gaston county is hereby directed to pay to F. P. Hall the sum of twenty-seven dollars and ninety-five cents out of any funds hereafter due school district number 37 for white race, due him as a balance of salary for teaching in said district. Treasurer to pay balance due him for teaching public school.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 482.

An act for the protection of the spirit turpentine workers.

WHEREAS, the practice of adulterating spirits turpentine by the addition of kerosene oil has become so general that the production is greatly increased : and Preamble

WHEREAS, the said increase in the product depreciates the price to the manifest injury of the laborer in the turpentine forest and the honest distiller, and at the same time increase the consumption and adds to the price and profits of the rich oil monopolies by an abnormal use and demand for the said oil: *now, therefore,*

The General Assembly of North Carolina do enact :

Misdemeanor to adulterate spirits of turpentine or offer for sale adulterated spirits as pure.

Penalty.

SECTION 1. That any person or persons, who shall adulterate or cause to be adulterated, any spirits turpentine, or who shall knowingly sell or offer for sale as pure spirits turpentine, any adulterated spirits turpentine, shall be guilty of misdemeanor, and upon conviction shall be fined not less than fifty dollars, or imprisoned for thirty days, or both, at the discretion of the court, for each and every offence.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 483.

An act to pay Mrs. Beulah White for teaching school in Perquimans county.

The General Assembly of North Carolina do enact :

Treasurer of Perquimans county to pay for services rendered.

From what fund payment made.

SECTION 1. That the treasurer of Perquimans county is hereby authorized to pay to Mrs. Beulah White twenty-two dollars and twenty cents for services rendered by her in district No. 21 of the white race of Perquimans county, as teacher.

SEC. 2. That said sum of money shall be paid only from the funds of the district in which the services were rendered, (district No. 21).

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 484.

An act to protect wild fowl in Hyde county.

The General Assembly of North Carolina do enact :

Unlawful to shoot wild fowl from box, battery or float in Pamlico Sound. Proviso: Residents of state may shoot from batteries on certain days. Certain shooting unlawful in Mattamuskeet lake.

SECTION 1. That no person shall shoot wild fowl in the waters of Pamlico sound in Hyde county from any box, battery or float not on land at the time: *Provided*, that residents of this state may shoot from batteries on Mondays, Tuesdays, Thursdays and Fridays of each week and none others.

SEC. 2. That it shall be unlawful for any person to shoot with long range rifle wild geese or ducks in the waters of the Mattamuskeet lake in Hyde county, or shoot wild geese or ducks after sunset until sunrise of any night in the year, in or around Mattamuskeet lake in Hyde county.

SEC. 3. That any person violating section one and two of this act shall be deemed guilty of a misdemeanor, and on conviction fined not more than fifty nor less than ten dollars, proceeds to go to the school fund of county.

Violation of sections a misdemeanor.
Penalty.
Penalty to go to school fund.

SEC. 4. All laws and clauses of laws in conflict of this act is hereby repealed.

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

When act to take effect,

Ratified the 9th day of March, A. D. 1897.

CHAPTER 485.

An act to permit certain persons in Jackson county to attend the public school at Whittier's in Swain county.

The General Assembly of North Carolina do enact :

SECTION 1. That the board of commissioners of Jackson county are hereby authorized and empowered, if in their judgment they may deem it advisable to do so, to permit all persons in said county of Jackson, of lawful school age, who may desire to do so, to attend the public school at Whittier in Swain county, who reside in the boundary hereinafter designated.

Persons of school age in certain territory in Jackson county to attend school at Whittier.

SEC. 2. That the said boundary line shall be as follows: Beginning on the top of the mountain, in the Jackson county line, on the east side of Conley's creek and at the head of the Lewis branch; thence down said branch with its meanders, crossing the Tuckasiege river at the mouth of Crooked creek, to a stake; thence up said creek with its meanders to the mouth of the branch on which Marion Green lives; thence up said branch to its source; thence through the ridges in a northeasterly direction to the Swain county line; thence with the Swain county line to the beginning: *Provided*, that the county commissioners may, if they deem it best, allow only a certain number of persons of lawful school age, residing in the boundary above named, to attend said public school at Whittier in said county of Swain.

Boundary of territory.

Proviso:
Discretionary power of commissioners of Jackson county.

SEC. 3. All laws and clauses of laws militating against this act are hereby repealed.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 486.

An act to provide for the maintenance of the Agricultural and Mechanical College for the colored race.*The General Assembly of North Carolina do enact:*Annual appro-
priation for
maintenance and
equipment.

SECTION 1. That the sum of five thousand dollars (\$5,000.00) be and the same is hereby appropriated for the maintenance and equipment of the Agricultural and Mechanical College for the colored race for each of the years eighteen hundred and ninety-seven and eighteen hundred and ninety-eight, to be in instalments of twenty-five hundred dollars on the first days of April and October of each year 1897 and 1898.

Instalments.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 487.

An act to place the name of Jerry K. Williams, of Jackson county, North Carolina, on the pension roll of North Carolina in class two.*The General Assembly of North Carolina do enact:*Name placed on
pension roll in
class two.

SECTION 1. That Jerry K. Williams, an old and disabled Confederate soldier of the first North Carolina cavalry, company K, now a resident of Jackson county, North Carolina, be and is hereby placed on the pension roll of North Carolina in class two.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 488.

An act to amend chapter 78, laws of 1897.*The General Assembly of North Carolina do enact:*Surry exempted
from act in rela-
tion to settle-
ment of taxes.

SECTION 1. That the county of Surry be exempt from the operation of so much of chapter seventy-eight (78), laws of one thousand eight hundred and eighty-seven (1887), as is included between the words "the sheriff," in line three (3) and four (4) of said act, and the word "march" in line six (6) of said act.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 489.

An act to pay Miss Lula Long for teaching public school in Wake county.*The General Assembly of North Carolina do enact:*

SECTION 1. That the treasurer of Wake county is hereby authorized and empowered to pay Miss Lula Long forty-three dollars and seventy-five cents due her for teaching public school in district No. 4, Little River township, Wake county, white race, out of any money he now has or may hereafter have to the credit of the public school of said district.

Treasurer of
Wake county
authorized to pay
claim for teach-
ing school.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 490.

An act to incorporate the Snow Hill railway company.*The General Assembly of North Carolina do enact:*

SECTION 1. That for the purpose of constructing a railway from the town of Snow Hill, in Green county, to some point on the Wilmington and Weldon railroad or some branch of the same, or on the Atlantic and North Carolina railroad, as the directors hereinafter provided for may determine, and of taking a lease or leases as hereinafter set forth, W. H. Dail, Swift Galloway, Josiah Exum, D. W. Patrick, Thomas Moore, W. J. Jordan, J. D. Grimsley, W. E. Best, B. W. Edwards, D. V. Dixon, James Wright Taylor, W. M. Darden and Frank Carr of Greene county; J. W. Grainger, Burton Taylor and R. B. Kinsey of Lenoir county; W. H. Smith, John H. Hill, Charles Dewy and Henry Weil of Wayne county; H. G. Connor, F. A. Woodard and J. F. Bruton of Wilson county; and Thomas J. Jarvis, E. A. Moye and Robert L. Davis, of Pitt county, and their associates and successors and assigners, are hereby constituted a body corporate under the name and style of "The Snow Hill Railway Company," with a capital stock of one hundred thousand dollars, which may be increased to any greater sum not exceeding one million dollars whensoever a majority of the stockholders hereinafter mentioned shall so determine; and said company shall have a corporate existence, and as such exercise the powers herein granted for sixty years as a body politic, and by said name may sue and be sued, plead and be impleaded in the courts of this state, and may have and use a common seal, and shall be capable of purchasing, holding,

Purpose of incor-
poration.

Corporators.

Corporate name.

Capital stock.

Corporate exis-
tence.

Corporate pow-
ers.

leasing and conveying estates, real and personal and mixed, and of requiring by gift or devise for the purposes hereinafter contemplated; and the said company shall have and enjoy all the rights and immunities which other corporate bodies may lawfully exercise, and may make all necessary by-laws and regulations for its government, not inconsistent with the constitution and laws of the United States and of the state of North Carolina.

How capital stock created.

SEC. 2. That the capital stock of said company may be created by subscription on the part of the individuals or municipal or other corporations in shares of the value of twenty-five dollars each, which may be made in land, material, labor, money, stocks or bonds, as may be stipulated by the company.

Value of shares.

How subscriptions paid.

Books of subscription.

SEC. 3. That books of subscription may be opened by such persons, at such times and at such places, and under such rules and regulations as the said corporators, or a majority of them, may direct.

General meeting to be called when \$5,000 subscribed.

SEC. 4. That when the sum of five thousand dollars shall have been subscribed to the capital stock of said company by solvent subscribers, a general meeting of the stockholders of said company shall be held, after due notice, and such general meeting (a majority of the stockholders being present either in person or by proxy) shall elect a board of directors, to consist of such number, not less than five, as the stockholders shall determine, and said directors shall elect one of their number president, and such other officers as the by-laws of said company shall prescribe, and may do and perform all other acts necessary to the complete organization of said company, and to carry into effect the objects of this act.

Directors.

President and other officers.

Power to condemn land.

SEC. 5. That whensoever land shall be required for the construction of the road, or for warehouses, plants, power houses, stations, turn-outs, offices, work-shops, depositories or other building purposes for said railway, and from any cause the same cannot be purchased from the owner, the same may be taken by the said directors at a valuation to be ascertained as follows, viz.: The sheriff of the county in which said land may lie shall, at the request of the president of said company, summon five disinterested freeholders of his county, who shall ascertain the value, under oath to be administered by the said sheriff, they first deducting the enhanced value of the land caused by said railway from such valuation, and adding any particular loss or damage; and upon the payment or tender by the president of the amount so assessed, the title of the property so seized and appraised shall thereby vest in the said corporation: *Provided*, that either party may appeal to the superior

Procedure for condemnation.

Title to vest in corporation on payment or tender of damages.

Proviso: Right of appeal.

court of the county upon the question of the amount so assessed: and, *provided, further*, that not more than one hundred feet from the centre of the road shall be liable to be condemned.

Proviso:
Amount of land
to be condemned.

SEC. 6. That said company shall have power to lease its franchises, or any parts thereof, for such time and upon such terms as they may think advantageous to the interests of the company.

Power of company to lease.

SEC. 7. That the president and directors of said company shall have power, at any time, to borrow money upon the bonds of the company, and to secure the same by mortgage or other legal security.

Power to borrow
and secure
money.

SEC. 8. That said company shall have exclusive right to convey and transport freight and passengers over and along its said road, and at such rates as the said company shall prescribe, subject to the supervisions of the railroad commission in this state.

Exclusive rights.

Rates.

SEC. 9. That the motive power to be used on the said railway shall be either electricity or steam, as the said corporators or (after such organization) the directors of said company shall, in their discretion, decide to be most economical or advantageous to the company; and said company is authorized and empowered to construct its said railway from the said town of Snow Hill to any point on the main line or on any branch of the Wilmington and Weldon railroad company, or on the line of the Atlantic and North Carolina railroad company.

Motive power.

Beginning point.

Terminus.

SEC. 10. That said company shall have the power, and it is hereby authorized, to use any section of said road constructed by it before the whole of said road shall be completed, and may charge for the transportation thereon.

Part of road may
be used before
completion of
whole road.

SEC. 11. That said company shall have the power and it is hereby authorized, upon its organization as provided in section 4 of this act, to lease any railroad and railroad company, with all its property, rights, privileges, franchises and easements of said railroad and railroad company, and this power may be exercised before the construction of the line of railway herein proposed to be constructed is begun, and any lease made and entered into under the provisions of this section shall not be invalid by reason of the fact that the same was made before the construction of said proposed line of railway was begun, or by reason of the fact that thereafter said proposed line of railway or any part thereof shall not be constructed, and any such lease, if in other respects legal, shall be valid and binding, and said company is further authorized and empowered to sell and assign any lease or leases made by it or taken and executed to it under this act.

Power to lease
other railroads.

Power may be
exercised before
road begun.

Power to assign
leases.

SEC. 12. That for the purpose of raising money to accom-

Power to issue
bonds.

How bonds signed.	<p>plish the objects and purposes of this act, the said Snow Hill railway company may make and issue its bonds to an amount not exceeding seventy five thousand dollars, bearing interest at the rate of six per cent. per annum, which bonds shall be signed by the president and attested by the secretary of the said corporation, under the common seal of the same, with the usual</p>
Denominations.	<p>half-yearly interest coupons annexed; the said bonds to be in sums of such denominations, and the principal and interest on the same to be made due and payable at such times and places, and in such manner and to be sold at such time, as the board of directors may determine.</p>
Power to make mortgage.	<p>SEC. 13. That to secure payment of such, and the interest thereon as the same becomes due, the said Snow Hill railway company may execute and deliver mortgage deeds, with power of sale to such trustee or trustees as may be selected and agreed on, the same to be signed by the president and attested by the secretary of the corporation, conveying its railway franchises and property, including its road-bed superstructures, equipments, <i>choses in action</i>, evidences of debt and all its real and personal property of whatever kind; and the said deed or deeds and all other agreements which the said company enter into, which by law require registration, when duly executed may be recorded in the register's office in the county of Greene, and its registration in that county shall be deemed effectual and sufficient registration for all purposes whatever, and shall give it priority and preference over all claims against said corporation, and it shall not be necessary to record or register the same in any other county, any law to the contrary notwithstanding.</p>
Where to be recorded.	
Counties authorized to subscribe to stock of company.	<p>SEC. 14. That the said county of Greene, and any other county into which it may be determined as aforesaid to construct the said railway, may subscribe to the capital stock of the said company to such an amount as the majority of the commissioners of such counties respectively may determine, subject to the approval of a majority of the qualified voters of the county; and the board of commissioners of such county, in order to pay the said subscription, shall have power to issue bonds bearing interest at the rate of six per cent. per annum, said bonds to be issued in such manner and form, payable at such time and place and authenticated in such manner as they may determine.</p>
Subscription subject to approval of voters.	
Bonds to pay subscription.	
Tax to pay interest of bonds.	<p>SEC. 15. That, in order to pay the principal and interest on the bonds issued as aforesaid, the commissioners of the county subserving as aforementioned shall lay and collect annually, in such manner as is directed by law in cases of taxes for other county purposes, a tax sufficient to pay the annual interest;</p>

and they may levy and collect a further tax to be used in extinguishment of the principal, or else to be invested as a sinking fund for the ultimate redemption of the principal.

SEC. 16. That no subscription shall be made by the commissioners of such county as above mentioned until the question of approval or disapproval of such subscription, the issue of the bonds, and the authority to levy taxes to pay the interest and provide for the payment of the principal of the bonds shall be submitted to the qualified voters of the county, and shall be approved by a majority of those voting; that thirty (30) days' notice shall be given by advertisement at the court-house door, and at each election precinct in such county, and shall be published in some newspaper having, in the opinion of the commissioners, the widest circulation in the county. The advertisement shall state the amount proposed to be subscribed by the commissioners and the amount of the bonds proposed to be issued. Those approving the proposition shall deposit in the ballot box ballots with the printed or written word "approved." Those disapproving the same shall deposit ballots with the printed or written words "not approved," and if a majority of such qualified voters shall vote "approved," they shall be deemed to ratify and approve the subscription and debt proposed so to be made and the tax proposed so to be levied.

SEC. 17. That the commissioners of any county proposing to subscribe for the stock as aforesaid shall have authority to take all measures consistent with this act and the laws of this state for the registration of voters holding the election and returns of the result of same, and if said subscription be approved the said commissioners shall have power to take all measures proper for carrying the same into effect, and it shall be their duty through their chairman to make the subscription in behalf and in the name of the said county, and to execute and issue the bonds aforesaid.

SEC. 18. That any incorporated city or town into which the said railway may be determined as aforesaid to be constructed, or which may be interested in the construction of said railway, may subscribe to the capital stock of the said company to such an amount as the authorities of the said city or town may determine, subject to the approval of a majority of the qualified voters of the said city or town; and the said authorities thereupon shall have power to issue bonds bearing interest at the rate of six per cent. per annum, such bonds to be issued in such manner and form, and payable at such time and place, and authenticated in such manner as they may determine.

SEC. 19. That, in order to pay the principal and interest of

Tax for sinking fund.

No subscription made until question submitted to voters and approved by majority of those voting.

Advertisement of election.

Ballots.

Commissioners to provide for registration of voters and holding elections.

Duty of commissioners if subscription approved.

Cities and towns authorized to subscribe to stock of company.

Bonds.

Tax for payment

of principal and interest of bonds.

the bonds so issued, the authorities of the city or town subscribing as aforesaid shall levy and collect annually, in such manner as is directed by law in case of taxes for other corporation purposes, a tax sufficient to pay the annual interest, and they may levy and collect a further tax to be issued and used in the extinguishment of the principal, or else to be invested as a sinking fund for the ultimate redemption of the principal.

No subscription made until submitted to voters and approved by majority of those voting.

SEC. 20. That no subscription shall be made by the authorities of said city or town, as aforementioned, until the question of approval or disapproval of such subscription, the issue of the bonds and the authority to levy taxes to pay the interest and to provide for the payment of the principal of the bonds shall be submitted to the qualified voters of such city or town, and shall be approved by a majority of those voting. The election shall be held at the usual places of voting. Thirty days' notice shall be given by advertisement at the court house door and in a newspaper having the largest circulation in such city or town. The said advertisement shall state the amount proposed to be subscribed and the amount of bonds to be issued. Those approving the proposition shall deposit in the ballot box ballots with the printed or written word "approved." Those disapproving the same shall deposit ballots with the printed or written words "not approved." And if a majority of said voters shall vote "approved," they shall be deemed to ratify and approve the subscription and debt proposed to be made as aforesaid and the tax so proposed to be levied. If the subscription be approved as aforesaid, the authorities of such city or town shall have power to take all measures proper for carrying the same into effect, and it shall be their duty, through their chief officer, to make the said subscription in the behalf and in the name of said city or town, and issue bonds as aforesaid accordingly.

Advertisement of election.

Ballots.

Power of municipal authorities if subscription approved.

Power to farm out rights to or consolidate with other railroad.

SEC. 21. That the said company may farm out its rights of transportation over said railway, or merge itself with that of any connecting line, on such terms as the directors of said company may agree upon, and such lessee or mortgagee shall have the right to operate the same, and be deemed and taken to be a common carrier.

Convicts to be worked in construction of railroad.

SEC. 22. That while the said railway is being constructed, and so long as labor is required in the building of said road, all prisoners convicted in the counties of Greene, Wayne, Lenoir, Pitt and Wilson, and whose sentences shall include imprisonment at labor for a term not exceeding two years, shall be put at labor on the construction of the said road, and it shall be the duty of the courts held in such counties to see to the carrying out of

Duty of courts.

this provision on its satisfactorily appearing that suitable arrangements have been made for the guarding and caring for such convicts: *Provided, however,* that the authorities of said railway company shall employ and pay the hire of a competent superintendent and guards for said convicts during the time of their being so engaged at labor on said road, and shall have said convicts properly guarded, fed, clothed and cared for during said time.

Proviso:
Corporation to
to guard, feed,
clothe and care
for convicts.

SEC. 23. That all laws and clauses in conflict with this act be and they are hereby repealed.

SEC. 24. That this act take effect and be in force from and after its ratification.

Ratified the 9th day of March, A. D. 1897.

CHAPTER 491.

An act to protect mocking birds.

The General Assembly of North Carolina do enact:

That any person who shall rob or destroy the nests of mocking birds, or who shall take any eggs from their nest, or who shall kill any mocking birds, shall be fined not less than ten dollars, and be guilty of a misdemeanor.

Penalty for rob-
bing nest or tak-
ing eggs of or
killing mocking
birds.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 492.

An act to drain the lowlands of Rattlesnake creek in Caswell county.

The General Assembly of North Carolina do enact:

SECTION 1. That D. G. Watkins, J. B. Moore, Thos. M. McCrary, T. S. Harrison, J. W. Slade, J. W. Smith, T. Y. Chundeln be appointed commissioners, whose duty it shall be on or before the first day of August, 1897, to lay off Rattlesnake creek in Caswell county, from its mouth in Dan river to the forks thereof, up Yanceyville prong to the Poteet line, also up the Tanyard prong through the lands of Mrs. J. J. Jamesin, said county, into sections of convenient length, and to 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.

Commissioners
appointed to lay
off creek and
appoint over-
seers.

Commissioners to elect chairman and fill vacancies.

County commissioners to act on failure of commissioners appointed.

Commissioners to estimate bottom lands.

Overseer furnished with copy of estimate.

Hands and tools to be furnished.

Forfeiture for failure to furnish hands.
How forfeiture recovered.

Work divided in proportion to bottom lands.

Duty of overseer.

Misdemeanor to fell timber in stream or obstruct waters.

Penalty.

Proviso:
Persons paying penalty before presentment not liable to indictment.

SEC. 2. That a majority of said commissioners shall have power to elect one of their number chairman, and may fill vacancies in their own number or that of overseer, and in case they shall fail or neglect to fill vacancies occasioned by death or otherwise, the board of county commissioners of said county of Caswell shall, on application being made, appoint commissioners and overseers for the purpose herein mentioned.

SEC. 3. That said commissioners shall estimate the number of acres of bottom land, upon a level with and below high water mark, of each individual on the stream, between the points mentioned within section first of this act and lying in one-fourth ($\frac{1}{4}$) of a mile of the same, and shall furnish each overseer with a copy of the estimate of his section in which these lands lie, and upon notice of six (6) days by said overseer shall each furnish one sufficient hand with approved tools such as shall be notified by the overseer to furnish for every ten (10) acres, and one for every fraction of five acres in the meaning of this act, and on failure so to do shall forfeit and pay one dollar 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 road.

SEC. 4. It shall be the duty of the commissioners, in laying off sections as provided for in section first (1) of this act, to distribute the labor among the land owners in proportion to the number of acres of bottom land owned by them within the estimate provided for in section three (3) of this act, as equally as may be, and allot to the overseer of each section the hands required of the owners of the land embraced in his section.

SEC. 5. It shall be the duty of each overseer, with the hands so provided, to work in each and every year, within the bounds of their sections, not less than two nor more than six days, at the discretion of the commissioners, in the channel of said stream, with the power to straighten, remove obstructions and improve the banks thereof.

SEC. 6. That any person or persons who shall willfully and knowingly fell timber into or otherwise obstruct the waters in the channel of said streams, between the points mentioned in section first (1) 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 where the offence was committed before a presentment is made of the same, he or they shall not be liable to indictment for such offence.

SEC. 7. That all money arising from failure to work on said stream, and all penalties collected under the provision of this 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 stream, or in washes on either side of the same; and any overseer failing or neglecting to perform the duties required by this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five nor more than fifteen dollars: *Provided*, that no person shall be required, without his consent, to serve more than one term of two years at one time.

Forfeitures and penalties to be expended on creek.

Neglect of duty by overseer a misdemeanor. Penalty.

Proviso: No person required to serve more than one term.

Power of commissioners to stop washes.

SEC. 8. The commissioners shall also have power to stop all washes emptying into said stream, so as to prevent the same from filling with sand, and may exercise such power in the same way, and under the same rules and regulations as are prescribed in this act for draining lowland by opening the streams as fully as the power given in the foregoing section.

SEC. 9. That nothing contained in this act shall prevent the building of public bridges or public roads across said stream, or private bridges or roads, by the land owners for their own convenience.

Public and private bridges.

SEC. 10. That nothing herein contained shall be so constructed as to exempt persons herein mentioned from working on public roads.

No exemption from road duty.

SEC. 11. This act shall be in force from and after its ratification.

Ratified the 9th day of March, A. D. 1897.

CHAPTER 493.

An act to authorize the commissioners of Mitchell county to levy a special tax for the purpose of building a new jail.

The General Assembly of North Carolina do enact:

SECTION 1. That the commissioners of Mitchell county are hereby authorized, at their discretion, to levy a special tax on the property and polls in said county, observing the constitutional equation, for the purpose of building a new jail in said county. The taxes to be levied as follows: For the year one thousand eight hundred and ninety-seven, two thousand dollars; for the year one thousand eight hundred and ninety-eight, two thousand dollars; and for the year one thousand eight hundred and ninety-nine, such an amount as may be necessary to complete said jail.

Special tax authorized.

Purpose of tax.

Years and amounts.

To be levied and collected as other taxes.

Building committee.

Duty of building committee.

Powers.

SEC. 2. That said tax, if levied, shall be levied and collected as other taxes are, as now provided by law.

SEC. 3. That for the purpose of carrying out the provisions of this act, and constructing a new jail for the said county of Mitchell, the following building committee is hereby appointed to act in connection with the board of county commissioners: Dr. C. E. Smith, S. E. K. Buchanan, J. S. Wilson, S. J. Black and W. J. Slagle.

SEC. 4. That it shall be the duty of said building committee if said tax be levied as provided for in section one of this act, to build and construct a common jail for the county of Mitchell, in the town of Bakersville, on the lot now owned by said county, and where the present jail now stands, using the old jail house to the best advantage, by sale or otherwise, in the constructing of the new jail, and said committee, including the board of commissioners, are hereby authorized and empowered to design, contract and construct said jail to the best advantage, and shall have full power to do any and all acts necessary to carry out the provisions of this act.

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 9th day of March, A. D. 1897.

CHAPTER 494.

An act to repeal chapter one hundred and twenty-eight (128), public laws of eighteen hundred and eighty-five, and to repeal chapter one hundred and eighty-eight (188), public laws of eighteen hundred and ninety-three.

The General Assembly of North Carolina do enact:

Law amending Code in relation to diamond back terrapins repealed.

Law amending Code in relation to diamond back terrapins repealed.

SECTION 1. That chapter one hundred and twenty eight (128), public laws of eighteen hundred and eighty-five (1885), be and the same is hereby repealed.

SEC. 2. That chapter one hundred and eighty-eight (188), public laws of eighteen hundred and ninety-three, be and the same is hereby repealed.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 495.

An act to construct a road through the public lands in Onslow county.

WHEREAS, the general assembly of North Carolina, session of 1883, passed an act entitled an act to provide for the establishment of a public highway through public lands between Hatch Fork and A. J. Murrell's, in the county of Onslow; and, Preamble.

WHEREAS, said road has never been established through said public lands as provided for in said act of 1883, chapter 268; and,

WHEREAS, the establishment of said road would greatly enhance the value of the public lands through which it would pass; now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That section (1) one of said act of 1883, chapter 268, be amended by striking out the name "E. W. W. Riggs" in line seven (7) and the name "Bryant Scott" in line eight (8) of said section, and insert in lieu thereof in line seven the name "B. L. Kellum," and in line eight the name E. W. Sabis-tow, and section (2), line 4, be amended by striking eighteen and inserting twenty-two (22).

SEC. 2. That said act of 1883, chapter 268, as amended by the foregoing section one (1) of this act is hereby re-enact.

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 9th day of March, A. D. 1897.

CHAPTER 496.

An act to amend chapter one hundred and ninety-four of the public laws of eighteen hundred and ninety-five, relating to the improvement of the public roads of North Carolina.

The General Assembly of North Carolina do enact:

SECTION 1. That line two of section two, and line three of section four, be and the same are hereby amended by inserting after the word "act" the words "or other acts."

SEC. 2. That the last three lines of section two of this act be and the same are hereby amended so as to read as follows: *Pro-*

Convicts necessary to work farms not furnished for road work between 1st March and 15th July.

vided, that no convicts shall be furnished by the authorities of the penitentiary between the first day of March and the fifteenth day of July, if said convicts are regarded by them as being indispensable for the cultivation of crops on the state farms during this time.

Ratified the 9th day of March, A. D. 1897.

CHAPTER 497.

An act to authorize and empower the commissioners of Tyrrell county to liquidate and settle the now outstanding indebtedness of said county, and to levy a special tax to keep up the bridges in said county and pay off the jury of each term of superior court of said county.

The General Assembly of North Carolina do enact :

County commissioners authorized to liquidate and settle outstanding indebtedness.

SECTION 1. That the board of county commissioners for Tyrrell county and hereby authorized and empowered to liquidate and settle the now outstanding indebtedness of said county, "to whomsoever the same may be due to, upon such terms and conditions as to said board of county commissioners may seem just and proper.

Excessive claims to be discounted.

That it shall be the duty of said board of county commissioners, in all cases when they have reason to believe that any order for money now outstanding was given for a greater amount than it should have been, to make proper discount on said order, and when justice demands to plead the statute of limitations on said order or other evidence of indebtedness against said county.

Statute of limitations to be pleaded.

Special tax to be levied.

SEC. 2. That on the first Monday in June, 1897, and on the first Monday in June of each and every year thereafter, it shall be lawful for and the duty of the board of commissioners for Tyrrell county to levy a special tax of fifteen cents on the poll and five cents on the one hundred dollars' worth of property, "observing the constitutional equation between the poll and property in said levy," which said tax shall be kept as a separate and distinct fund from all other tax funds levied and collected in said county, and shall be used only by said board of commissioners for the sole purpose of keeping in repair and building or rebuilding the necessary bridges in said county, and paying the jurors of the superior court for said county at the spring and fall term of said court. That the tax provided for in this

Tax to be kept separate.

How to be used.

Tax to be levied, collected and accounted for as other taxes.

section shall be levied and collect as the general county tax is levied and collected, and shall be accounted for by the sheriff

or tax collector collecting the same under the same rules and regulations governing all other taxes collected by said sheriff tax collector for said county.

SEC. 3. That at the next general election the question shall be submitted to the qualified voters of said county whether the said tax shall be continued or not. Those who favor said tax vote a ballot for jury tax; those who are not in favor to vote against jury tax.

Continuation of
tax submitted to
voters at next
general election.
Ballots.

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

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 498.

An act to amend chapter 239 of the laws of 1889, and chapter 502, laws of 1891, in relation to the Fayetteville and Albemarle railroad company.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter 239 of the laws of the general assembly of North Carolina, at the session of one thousand eight hundred and eighty-nine (1889), be and the same is hereby amended as follows:

Laws amended.

That the names of Neill R. Blue, D. G. McDuffie and J. Milton Hogg (Hagy) be stricken out as corporators, they being since deceased, and with those remaining therein, the following are hereby added as additional corporators, viz.: H. L. Thurston, P. A. Black, J. N. Gillis, P. A. Stebbins, G. W. Balat, N. H. Smith, David Beasherne, M. P. Hillyer, W. L. Holt and Charles Rankin, and they, with the corporators named in the former act, of which this act is amendatory, and their successors and assigns, be and the same are the corporators of said Fayetteville and Albemarle railroad company, as chartered under said act, chapter 239, acts of 1889, which is hereby in all respects, except as herein amended, re-enacted.

Names of
deceased corpo-
rators stricken
out.

Additional cor-
porators.

Act as amended
re-enacted.

SEC. 2. That the word three, in line three of section one, chapter 502, laws of the general assembly of 1891, be stricken out, and the word "ten" be substituted in lieu thereof, so that the said Fayetteville and Albemarle railroad company may

Time to begin
work extended.

have from the ratification of this act within which to begin work, and that the said acts of 1889 and 1891 above referred to and in all other respects re-enacted and confirmed.

SEC. 3. That all laws or 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 9th day of March, A. D. 1897.

CHAPTER 499.

An act to declare Cape Fear and Lower Little rivers in Harnett county lawful fences.

The General Assembly of North Carolina do enact:

Specified parts of
rivers declared
lawful fences.

SECTION 1. That the Cape Fear river, from the Chatham and Moore county line to Cumberland county line and Lower Little river, the dividing line between Harnett and Cumberland counties, from its junction with the Cape Fear river up to McNeill's bridge, on the Lillington and Fayetteville road, are hereby declared to be lawful fences.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 500.

An act to provide for the working of the public roads of Greene, Wilson and Wayne counties.

The General Assembly of North Carolina do enact:

Special taxes to
be levied.

SECTION 1. That the boards of commissioners of Greene, Wilson, and Wayne counties, in their respective joint sessions at any of their regular or special meetings, or at any meeting called by the board of commissioners of said counties in the month of May or June in each and every year, shall levy a special *ad valorem* tax on all property subject to taxation under state laws in said counties, not exceeding fifteen cents on the hundred dollars' valuation, upon all property in said counties subject to taxation for state and county purposes, whether such property belong to citizens of cities or towns or otherwise, and said boards of commissioners shall also levy at the same time, in case said property tax be levied, a poll on all persons resident in said counties, not exempt from poll tax, as provided

Property tax.

Poll tax.

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 treasurers of said counties 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 counties of Greene, Wilson and Wayne counties, under the supervision, control and management of the said respective boards of commissioners.

To be collected
as other taxes.

How applied.

SEC. 2. The said taxes shall be included in a separate column on the tax books, 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 to have
separate column
on tax book and
kept separate
from other taxes.

SEC. 3. The said boards 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 counties and provide for the cost and expenses thereof out of the funds raised or to be raised under and by virtue of this act.

Powers of county
commissioners
as to roads and
bridges.

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 discretions of the said respective boards 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 boards.

How tax fund
expended.

SEC. 5. That the said respective boards 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 counties, public roads, or to corporations or elsewhere in said counties, all persons imprisoned in the county jails of said counties upon conviction of any crime or misdemeanor by or before any court of said counties of Greene, Wilson and Wayne, or any person who may be committed to said jails of said counties 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 jails in any bastardy proceeding for failure to comply with all lawful judgments or order therein made by any court of said counties: *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 such counties: *Provided, further*, that the amount realized from such hiring out or employment of such prisoner

Powers of county
commissioners
in hiring out or
employing con-
victs.

Proviso:
Convicts not
detained beyond
time fixed by
judgment.
Proviso:
Amount realized
from hiring or

employment credited to convict.

Proviso: Mental or physical incapacity of convict.

Proviso: Prisoners sentenced to longer terms than two years.

Proviso: Convict not hired out or employed when court adjudges otherwise.

Proviso: No female worked on roads.

Fees to be paid by county.

Rules for enforcing discipline.

Means to keep convicts in custody and prevent escape.

Escape a misdemeanor.

Penalty.

System of road work if adopted may be abandoned.

Proviso: System if abandoned may be re-adopted.

Power to pursue escaping 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: *Provided, further*, that no female shall be worked on the roads under this act.

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 of each of the said counties 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 counties of Greene, Wilson and Wayne 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 counties at hard labor not more than thirty days or fined not more than fifty dollars.

SEC. 10. That the boards of commissioners of the respective counties of Greene, Wilson and Wayne, by a majority vote, at a 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 the 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 counties, shall have been abandoned as aforesaid, the said boards of commissioners of said counties, at any of the meetings as aforesaid, by a majority vote, as aforesaid, may readopt and re-enforce the provisions of this act in regard to said roads and bridges of the said counties. That any prisoner who shall have been sentenced to work on public roads as herein

provided, and who shall escape, the person or persons shall have power to pursue such prisoner and capture them in any county in the state.

That any person who shall obstruct any public road in said counties, 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.

Obstructions of public road a misdemeanor.

Penalty.

SEC. 11. That this act shall be in force from and after its ratification.

Ratified the 9th day of March, A. D. 1897.

CHAPTER 501.

An act to authorize the commissioners of Yancey county to work on the public roads convicts of said county.

The General Assembly of North Carolina do enact:

SECTION 1. That the commissioners of Yancey county be and are hereby authorized and empowered to work on the public roads any male person who may be convicted of a misdemeanor and committed to the county jail, or hire the said convicts to adjacent counties to work on public roads.

Convicts worked on public roads of county or hired to adjoining counties.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 502.

An act to clear the channel of Benaja creek in Rockingham county.

The General Assembly of North Carolina do enact:

SECTION 1. That Wm. Green, S. W. Geesinger, James Phibbs, J. W. Maxwell and J. T. VanHook be appointed commissioners for Benaja creek and its tributaries in Rockingham county, from the mouth of said creek to the Guilford county line, 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.

Commissioners appointed to lay off creek into sections and appoint overseers.

SEC. 2. That said commissioners on said creek shall have power, or a majority of them, to elect one of their number

Power of commissioners to

elect chairman and fill vacancies.

On failure county commissioners to act.

Commissioners to estimate bottom lands.

Copy of estimate furnished overseer.
Hands and tools to be furnished.

Forfeit for failure to furnish hands.
How forfeit recovered.

Duty of overseers:

Proviso:
All hands may be worked at any point.

Misdemeanor to fell timber in stream or obstruct waters.

Penalty.

Proviso:
Persons paying penalty before presentment not liable to indictment.

Proviso:
Limit of imprisonment.

Forfeitures and penalties to be expended on creek.

Neglect of duty by overseer a misdemeanor.

chairman, and may fill vacancies in their own members, or in place of overseers, occasioned by death or otherwise; and in case of their neglect to do so, then the board of county commissioners for Rockingham county shall, on application, fill such vacancies for the purpose herein mentioned.

SEC. 3. That said commissioners shall estimate the number of acres of bottom lands belonging to each landholder on said creek and tributaries, between the mouth of said creek and the Guilford county line, and furnish each overseer with a copy of the estimate of 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 overseer, 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: *Provided*, that said commissioners may, in their discretion, order any and all overseers, with their respective hands, where deemed necessary to work, at any point on said stream.

SEC. 4. That any person or persons who shall willfully and knowingly fell any timbers, 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 upon 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 said offence: *Provided, further*, that on conviction the imprisonment shall not be more than thirty days at the discretion of the court.

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 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 mis-

demeanor, 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. Penalty.

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

SEC. 7. That nothing contained in this act shall be so construed as to exempt persons herein mentioned from working on the public roads. No exemption from taxation.

SEC. 8. That this act shall be in force from and after its ratification.

Ratified the 9th day of March, A. D. 1897.

CHAPTER 503.

An act to drain lowlands of Buttermilk creek in Alamance county.

The General Assembly of North Carolina do enact:

SECTION 1. That G. W. Barker, A. G. Garrison, Gus. A. Garrison, W. L. Barnett and N. C. Garrison be appointed commissioners, whose duty it shall be on or before the first day of May, eighteen hundred and ninety-seven, to lay off Buttermilk creek in Alamance county, from Mrs. M. S. Moore's and Thomas Bowles', to where said stream empties into Stony creek, in convenient sections, and appoint an overseer to each section, who shall hold his office for a term of two years, and who shall be a landowner in the section to which is appointed an overseer. Commissioners appointed to divide creek into sections and appoint overseers.

SEC. 2. That a majority of said commissioners shall have power to elect one of their number chairman, and may fill vacancies in their own number or that of overseer; and in case they fail or neglect to fill vacancies caused by death or otherwise, the board of commissioners of said county of Alamance shall, on application being made, appoint commissioners and overseers for the purposes herein mentioned. Power of commissioners to elect chairman and fill vacancies.
On failure county commissioners to act.

SEC. 3. The said commissioners shall estimate the number of acres of bottom land of each individual on the stream between the points mentioned in section 1 of this act, and lying one-eighth of a mile of the same, which may be sobbed by overflow or the filling up of said stream, and shall furnish each overseer with a copy of the estimate of his section of which these lands lie, and upon notice of seven days by said overseer shall each Commissioners to estimate bottom lands.
Overseers furnished with copy of estimate.

Hands and tools to be furnished.

Forfeit for failure to furnish hands.

Labor distributed in proportion to bottom lands.

Duty of overseers.

Proviso: All hands may be worked at one point when necessary.

Misdemeanor to fell timber in stream or obstruct water.

Penalty. Proviso: Persons paying penalty before presentment not liable to indictment.

How forfeiture and penalties expended.

Neglect of duty by overseer a misdemeanor.

Penalty. Proviso: No person compelled to serve more than one term.

furnish one sufficient hand, with tools such as shall be notified by overseer to furnish for every fifteen acres, and one for every fraction of five acres in the meaning of this act; and upon failure so to do shall forfeit and pay one dollar per day for failure on each hand, which may be recovered by said overseer by warrant as in case of failure to work the public roads.

SEC. 4. It shall be the duty of the commissioners, in laying off sections as provided for in section 1 of this act, to distribute the labor among the landowners in proportion to the number of acres of bottom land owned by them within the estimate provided for in section 3 of this act as equally as may be, and allot to the overseer of the hands required of the owners of the land provided for in this section.

SEC. 5. It shall be the duty of each overseer, with the hands so provided, to work in each and every year within the bounds of their respective sections, not less than three nor more than ten days, at the discretion of the commissioners, in the channel of said stream, with the power to straighten, remove obstructions, and improve the banks thereof: *Provided*, that said commissioners may, in their discretion, order any and all overseers, with their respective hands, when deemed necessary, to work at any point on said stream.

SEC. 6. That any person or persons who shall willfully and knowingly fell timber into or otherwise obstruct the water in the channel of said stream between the points mentioned in first section of this act, and permit the same to remain therein for the space of ten days, shall be deemed guilty of misdemeanor, and upon conviction thereof shall be fined not less than five dollars 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 offence was committed, before a presentment is made of the same, he or they shall not be liable for indictment for such offence.

SEC. 7. That all money arising from failure to work on said stream, and all penalties collected under the provisions of this 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 stream or in stopping washes on either side of the same, and any overseer failing or neglecting to perform the duties required by this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five nor more than ten dollars: *Provided*, that no person shall be compelled to serve more than one term of two years at one time without his consent.

SEC. 8. That the commissioners shall have power to stop all washes emptying into said stream, so as to prevent the same from filling with sand, and may exercise such power in the same way and under the same rules and regulations as are prescribed in this act for draining low lands by opening the stream as fully as the power given in the foregoing section.

Powers of commissioners in stopping washes.

SEC. 9. That nothing contained in this act shall prevent the building of public bridges on public roads across said stream, or private bridges on roads by the owners for their own convenience.

Public and private bridges.

SEC. 10. That nothing herein contained shall be so construed as to exempt persons herein mentioned from work on the public roads.

No exemption from road work.

SEC. 11. That this act shall be enforced from and after this ratification.

Ratified the 6th day of March, A. D. 1897.

CHAPTER 504.

An act for the protection of fish in Bledsoe creek in Alleghany county.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for any person or persons operating saw-mills, either by water-power or steam, on Bledsoe creek in the county of Alleghany, to run or throw saw-dust in the waters said Bledsoe creek.

Unlawful to run or throw saw-dust in waters of Bledsoe's creek.

SEC. 2. That no person or persons shall catch fish in the water of Bledsoe creek, either with seine or nets, from the first day of April until first day of October in each year: *Provided*, this act shall not apply to persons who have fish-ponds used for the purpose of raising fish.

Fish not to be caught with seine or net between 1st April and 1st October.

SEC. 3. That any person violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than five dollars nor more than twenty-five dollars, or imprisoned not to exceed thirty days: *Provided*, that one-half of the fines collected under the provisions of this act shall go to the prosecutor and the other half into the school fund of the county.

Violation of act a misdemeanor.

Penalty.

Proviso: One-half of fine to prosecutor, one-half to school fund.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 505.

An act to allow the commissioners of the Randolph county to select any certain day in the months of December and June to hold their courts.

The General Assembly of North Carolina do enact:

Commissioners
of Randolph
county author-
ized to select
meeting days.

Proviso:
Notice to be
given.

That the board of county commissioners of the county of Randolph be allowed and are hereby authorized to select and set apart any certain day in the months of December and June, and such other months as they may meet, which will best meet the requirements and convenience of the in line of the first Monday as heretofore required by law: *Provided*, that said board shall first give notice in some newspaper published in the county for days declaring and setting forth the reason for said change, and said notice shall be signed by the clerk of said board and countersigned by the chairman.

SEC. 2. That all laws and parts of laws conflicting with the chapter are hereby repealed.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 506.

An act to change land grant No. 3257.

The General Assembly of North Carolina do enact:

Land grant
changed.

Description of
land.

SECTION 1. That land grant number 3257 be and the same is hereby changed so as to read: Beginning at a persimmon on the bank of Tennessee river, 480 poles above S. E. corner of No. 53, and runs north 20 poles to a beech (still standing); thence north 50° E. 110 poles to a forked walnut (the stumps of same there); then south 40° E. 90 poles to a buckeye and beech, crossing the creek at 64 poles (the crossing of the creek measured out right, cornered in cleared land); then south 60° west 106 poles to a sassafras on the bank of Tennessee river; then down said river as it meanders to the beginning.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 507.

“An act to authorize the tax collector of the city of Asheville to collect arrears of taxes.”

The General Assembly of North Carolina do enact:

SECTION 1. That the tax collector of the city of Asheville, North Carolina, be and he is hereby authorized and empowered to collect arrears of taxes due 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 hereafter be prescribed by law for the collection of taxes in the city of Asheville, and that said taxes when collected shall be paid over to the said city on the debt due it for taxes in said years from the former tax collector, N. A. Reynolds: *Provided*, that if any one shall make affidavit that he has paid said taxes for the years mentioned herein, and that the receipt for the same is lost, he shall not be required to pay said taxes again.

Collection of arrears of taxes for specified years authorized.

To be paid to city on account of debt due it by former tax collector.
Proviso: Persons making affidavit of payment not required to pay.

SEC. 2. That the authority hereby given to collect arrears of taxes shall cease and determine on the first day of July, eighteen hundred and ninety-eight (1898).

When authority to cease.

SEC. 3. That this act shall be in force and after its ratification. Ratified the 9th day of March, A. D. 1897.

CHAPTER 508.

“An act to make chapter 494, laws of 1893, discretionary with the state treasurer instead of mandatory.”

The General Assembly of North Carolina do enact:

SECTION 1. That so much of chapter 494, laws of 1893, as is mandatory and directory upon the state treasurer is hereby repealed, and the same is hereby made discretionary with the state treasurer.

Action under law creating banks of deposit for public monies discretionary with treasurer.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 509.

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

Allowed to be absent from office three Mondays during July and August 1897.

Proviso:
Neither of Mondays to be during term of court.

SECTION 1. That P. W. Patton, clerk of the superior court of Burke county, be and he is hereby authorized to be absent from the clerk's office in said county for three (3) Mondays during the months of July and August, 1897: *Provided*, that neither of said Mondays shall be during the term of any superior court to be held in and for said county.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 510.

An act creating a state board of equalization.*The General Assembly of North Carolina do enact:*

Railroad commissioners created state board of equalization.

No increase in compensation.

When board to meet.

Abstract to be laid before board.

Board to equalize valuation of property.

Procedure in case all abstracts not received.

SECTION 1. That, in addition to the duties now prescribed by law, the state board of railroad commissioners is hereby created a state board of equalization for the purpose of performing the duties hereinafter described in this act, but there shall be no increase in the compensation of the state board of railroad commissioners as now prescribed by law.

SEC. 2. The said board shall meet at the state capitol on the third Monday of August of each year, and if all the abstracts hereinafter provided for, and required to be transmitted to the state auditor, have been received by the state auditor, such abstracts shall be laid before said board, and said board shall then and there proceed to equalize the valuation of property throughout the state as hereinafter provided.

SEC. 3. In case the said abstracts have not all been received by the state auditor by or before the said third Monday of August, the said board shall adjourn from day to day until such abstracts are received. Should said abstracts not all be received within five days from and after said third Monday of September, then and in that case the board may issue subpoenas for any officer or officers by this act required to transmit such abstracts who have failed or neglected to transmit the same, requiring such officer or officers to appear before the board forthwith and produce the abstracts herein provided for.

The board shall proceed to equalize valuations as hereinafter provided, so soon as such abstracts are received. The sheriff of Wake county is hereby designated as the officer by whom such subpoenas shall be served, and for such services said sheriff shall be paid the same compensation as is by law provided for similar services in civil cases. The officer so failing or neglecting to transmit such abstracts shall be liable upon his official bond for the compensation paid said sheriff.

Sheriff of Wake county to serve subpoenas.

Compensation. Bond of officer failing to transmit abstract liable.

SEC. 4. The state board shall cause to be prepared forms of lists of property, for the use of assessors in assessing in the several counties of the state, by which all property, real and personal, shall be arranged in classes, and the aggregate of all such classes shall embrace all property, of every kind and description, subject to taxation, except such property as is by this act made assessable by the state board of equalization. The county sheriff shall prepare an abstract upon blanks furnished by the state board of equalization, showing the total number of items or pieces of property, and the total value thereof, in each class, as contained in said assessment book as corrected by the board of county commissioners, and transmit such abstract by registered mail to the state auditor, on or before the second Monday of August.

Forms of lists of property to be prepared.

Sheriff to prepare abstracts.

Abstracts to be transmitted to auditor.

SEC. 5. The state board shall equalize the valuations of property throughout the state as follows :

Board to equalize valuations of property.

First, by classes as shown by the abstracts transmitted from the various counties, county by county, and in such equalization said board shall have power to increase the total valuation of any class of property in any county, as shown by the abstract from that county, when in the opinion of the board the valuation of that class appearing in such abstract is not just and equal as compared with the valuation of other classes of property in that county because of its being less than the true valuation, as determined by such comparison, and the said board shall have power to decrease the valuation of any class of property when in the opinion of the board the valuation of that class of property appearing in the abstract is not just and equal as compared with other classes of property in that county, because of its being in excess of the true valuation as determined by such comparison.

First by increase or decrease of valuation of any class of property.

Second, the state board shall have power to add to or deduct from the aggregate valuation, as shown by such abstracts of all property in any county, such a percentage of such aggregate valuation as may be necessary, in the opinion of the board, to establish uniformity and equality of valuations among the several counties of the state. The rate of the percentage of

Second by increase or decrease of aggregate valuation of property.

Rate of increase or decrease to be even and not fractional.

Limit on increase of total valuation.

Auditor to certify changes to county register.

County register to enter changes on assessment book.

Affidavit sent to auditor.

State board to prescribe rules and regulations for carrying act into effect.

State board to provide blanks and forms.

Record of proceedings of state board.

Exclusive power of state board to assess certain property.

increase or decrease made by the board, either in equalizing among the classes of any county or equalizing the aggregates of counties, shall in all cases be even and not fractional.

SEC. 6. The increase or decrease made by the board in equalizing among the counties by aggregates shall in no case increase or decrease the total valuation of the state, as shown by the total sum of all valuations as stated in the abstract returns, by an amount exceeding six per centum of said total aggregate valuation of the state.

SEC. 7. Within ten days after the state board shall have completed the equalization of valuations as by this act provided, the state auditor shall transmit by registered mail to the county register of each county a certified statement showing the changes (if any) that have been made by said board in the valuation of any class or of all classes of property in the county to which such statement is sent, or the changes in the aggregate valuation of all property in said county. The county register to whom such statement is sent shall forthwith, upon the receipt thereof, proceed to enter in the assessment book of his county, for the then current year, the changes (if any) that have been certified in such statement. When the entries herein required to be made by the county register have all been made, the county register shall forward to the state auditor an affidavit setting forth the fact that all changes certified to him by the state auditor have been entered as required by law.

SEC. 8. The state board shall prescribe such rules and regulations, not inconsistent with the provisions of this act, as shall be necessary to carry this act into effect; for the government of assessors in matters affecting the performance of the duties of the state board, and for the government of county registers in the performance of their duties under this act; and generally for the government of county assessors and county registers as may be required in connection with the equalization of valuation by said state board. The said state board shall provide for the use of the board, and of county assessors and county registers, such forms of assessment lists, statements and abstracts, and other blanks and forms, as may be needful to carry into effect the provisions of this act. The state board shall keep a record of all its proceedings, which, when the board is not in session, shall be in the custody of the state auditor and be at all times subject to inspection by the public.

SEC. 9. The state board of equalization shall have exclusive power to assess and value for purposes of taxation all telegraph and telephone lines and the "railroad track" and "rolling stock" of all persons, companies or corporations

owning, operating or constructing any telegraph or telephone line or railroad wholly or partly within this state. For the purposes of this act "railroad track" shall be deemed to include right of way, superstructures on the right-of-way, whether on main, a side or second track, or turnouts, and the stations and improvements thereon belonging to, used, operated or occupied by any person, company or corporation owning, operating or constructing any line of railroad wholly or partly within this state. For the purposes of this act, "rolling stock" shall be deemed to include all movable property owned, used, occupied or operated in connection with any railroad wholly or partly within this state. All property belonging to any person, company or corporation owning, operating or constructing any railroad wholly or partly within this state not included within the terms "railroad track" or "rolling stock" shall be assessed by county assessors as other property is assessed in this state.

Railroad track defined.

Rolling stock defined.

Railroad property other than track and rolling stock assessed by counties.

SEC. 10. The president, secretary, superintendent or other principal accounting officer of any person, company or corporation, owning, constructing or operating any telegraph or telephone line or railroad wholly or partly within this state, shall list for assessment and taxation all of the following described property belonging to, owned, occupied or operated by such person, company or corporation in this state, viz.: The whole number of miles of telegraph or telephone line, the number of wires, the number of instruments, the number of miles of railroad (main, side and second tracks and turnouts being separately stated), the property held for right-of-way, the amount and character of improvements and the stations located on the right-of-way; and under the head of "rolling stock" shall list the number of locomotives of all classes, passenger cars of all classes, sleeping cars, dining cars, express cars, baggage cars, stock cars, platform cars, wrecking cars, pay cars, hand cars and all other kinds of cars.

How telegraph and telephone lines and railroads listed for assessment and taxation.

What to be listed.

Such lists shall specifically show the number of miles of such telegraph or telephone line or of main track in each county, district, city and incorporated town or village through which such line or railroad passes; and all such lists shall be verified by the oath of such president, secretary, superintendent or other principal or counting officer making the same.

Lists to be verified.

SEC. 11. The state board shall determine the total value of each telegraph or telephone line, and of all instruments used in connection therewith, and shall apportion such total value among the several counties into or through which such line passes, in the proportion which the number of miles of such line situated in each of such counties respectively bears to the entire length of such line within the state.

Value of telegraph and telephone lines apportioned to counties.

Value of rail-roads and rolling stock apportioned to counties.

Assessment per mile.

How value determined.

Board to prepare statements to be sent to counties.

Statements to be certified by auditor and sent to county registers.

Duties of county register on receipt of statement.

Meeting of board or assessment of telegraph, telephone and railroad property.

Property valued if return not made.

And the said board shall determine the total value of each railroad by adding together the value of railroad track and rolling stock thereof, and shall apportion such total value among the several counties into or through which the main line of such railroad passes in the proportion the total length of such main line within the state bears to the length of such main line in the several counties respectively.

After the board shall have determined such total valuation as aforesaid, said board shall assess telegraph, telephone and railroad property for each mile thereof, which assessed value per mile shall be determined by dividing the total valuation as determined by said board by the number of miles of main line or main track within the state.

SEC. 12. When the total valuation of telegraph, telephone and railroad property has been determined and assessed and apportioned, as provided in section 11, the state board of equalization shall prepare statement to be sent to each county in which such telegraph, telephone or railroad property may be situated, specifying the number of miles of such line or road within the county, the assessed value per mile, and the number of miles of main line or main track in each district, city or incorporated town therein. Such statement shall be certified by the state auditor, and sent to the county register of each county in which any part of such telegraph, telephone or railroad property may be situated, and shall be sent at the same time that the statements provided for in section seven of this act are transmitted.

The county register of each county to which such statement is sent shall immediately enter in the assessment book for that year the amount of such telegraph, telephone or railroad property so certified, and the assessed value thereof, to the proper owner, and said county register shall also divide and adjust among the cities and incorporated towns the proper amount and value of such property falling within each respectively. The county register shall make and transmit to the state auditor an affidavit showing that such duties have been performed as herein required.

SEC. 13. The state board shall meet for the purpose of valuing and assessing telegraph, telephone and railroad property on the first Monday of September of each year, and shall continue in session from day to day thereafter until such valuation and assessment is completed.

SEC. 14. In case the president, secretary, superintendent or other principal accounting officer of any person, company or corporation owning, operating or constructing any telegraph or telephone line or railroad, wholly or partly within this state,

fail, neglect or refuse to forward to the state auditor the list required by section 10 of this act by or before the first Monday of September of each year, then, and in that case, the state board shall proceed to assess and value, and shall assess and value the property of such person, company or corporation.

SEC. 15. Any officer required by this act to perform any service who shall fail, neglect, or refuse to perform such duty shall be guilty of a misdemeanor, and shall be punished by a fine not less than one hundred dollars and not more than three hundred dollars.

Failure to perform duty by any officer a misdemeanor.

Penalty.

SEC. 16. That the sum of six hundred dollars per annum be and is hereby appropriated out of any funds in the treasury not otherwise appropriated, to be used by the said board of equalization for the necessary traveling expenses and the employment of a clerk.

Appropriation for traveling expenses and employment of clerk.

SEC. 17. That any person guilty of willful and corrupt false swearing and affirming in taking any oath or affirmation required or authorized by this act shall be deemed to be guilty of perjury and punished accordingly.

Willful and corrupt false swearing perjury.

SEC. 18. That none of the provisions of this act shall be so construed as in any wise to alter, impair or repeal any of the provisions of an act entitled "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."

Railroad commission act not altered.

SEC. 19. That all acts and parts of acts, whether general, special or local, inconsistent with this act, or any of the provisions, shall be and the same are hereby repealed, so far as they are inconsistent as aforesaid, but nothing in this act shall be taken to annul any assessments which have been heretofore made, or to affect proceedings taken for the collection of such assessments, or to affect any penalties or forfeitures incurred by any person or officer in regard thereto.

No retroactive force.

SEC. 20. That this act shall be in force from and after its ratification.

Ratified the 9th day of March, A. D. 1897.

CHAPTER 511.

An act to establish a school district on Ball mountain in McDowell county.

The General Assembly of North Carolina do enact:

Settlement made a school district.

SECTION 1. That all that settlement, in McDowell county, known as the Ball mountain settlement shall be known and styled as a school district in said county.

Qualified voters of district to be school committee.

SEC. 2. That the qualified voters of said district shall be known and styled a school committee for said district.

School children of Henderson and Rutherford counties resident in settlement to attend school in district.

SEC. 3. All the children in those parts of Henderson and Rutherford counties which are in said settlement on said mountain may attend said school in the said county of McDowell.

School children resident in settlement to attend school in district. Teacher paid by Henderson and Rutherford counties *pro rata*.

SEC. 4. Said children who reside in Rutherford and Henderson counties on said mountain, in said settlement, may attend said school in said district.

SEC. 5. Said children shall be numbered as heretofore, but upon the order of said committee the treasurer of Henderson and Rutherford counties shall pay the *pro rata* amount due said children of Henderson and Rutherford counties to the teacher of said district.

Name of district.

SEC. 6. Said school district shall be known as the Ball mountain district of McDowell county.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 512.

An act to permit the establishment of public libraries.

The General Assembly of North Carolina do enact:

Authorities of certain cities and towns authorized to provide for establishment of public libraries.

SECTION 1. That it shall be lawful for the board of aldermen or the board of commissioners of any city or incorporated town in the state of North Carolina, having more than one thousand inhabitants, to provide for the establishment of a public library in said city or town.

Boards of managers.

SEC. 2. That for such purpose the said board of aldermen or board of commissioners may elect a board of managers, consisting of six members, who shall serve without pay, shall be residents of such city or town, and whose term of office shall be six years: *Provided*, that, at the first election under this act, two members shall be elected for two years, two for four years, and

two for six years, and at all subsequent elections under this act, held every two years, two members shall be elected for six years.

The members so elected shall enter upon their duties immediately, and shall continue in office until their successors are elected and qualified. The said board of aldermen or board of commissioners shall have power to remove any member of the board of managers for incapacity or other unfitness, and all vacancies, however caused, shall be filled by the board of aldermen or board of commissioners aforesaid for the unexpired term.

Power of municipal authorities to remove managers and fill vacancies.

SEC. 3. The board of managers so elected and its successors shall be a corporation, with powers to receive and hold gifts, grants, and devises of real and personal property, to sue and be sued, and to do any and all lawful acts necessary to carry out the objects of its creation. The name and style of said corporation shall be the "Board of Managers of the Public Library of," the name of the city or town wherein the library is situated to be inserted in the foregoing blank.

Board of managers incorporated.

Corporate powers.

Name and style.

SEC. 4. That the board of managers shall, at their first meeting, elect a president and secretary, and also a treasurer of said board, which two last mentioned offices may be filled by the same person if the board of managers so desire, and the said board of managers shall adopt such by-laws, rules and regulations as may seem best for the government of themselves and of the library; and shall have entire control of the library, and of the expenditures of all moneys belonging to the corporation, and may purchase furnishings, fixtures and all other articles of use and ornamentation as they may think best, and may designate hours when different classes of persons may visit said library.

Board of managers to elect president, secretary and treasurer.

By-laws.

Further powers.

SEC. 5. That it shall be lawful for such board of aldermen or board of commissioners to subscribe to the maintenance of said library and to pay same to said board of managers each year out of its general fund any amount not exceeding two per centum of the total amount of taxes collected for said city or town for such year: *Provided*, that such board of aldermen or board of commissioners may subscribe and pay over to the said board of managers in lieu of any other amount, all or a part of the fines imposed and collected in the mayor's or police court of said city or town.

Power of municipal authorities to subscribe to maintenance of libraries.

Proviso:
All or part of fines devoted to library.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 513.

**“ An act to amend section seven hundred and fifty-eight (758)
of The Code.”**

The General Assembly of North Carolina do enact:

County commis-
sioners may elect
finance commit-
tee.

SECTION 1. That section seven hundred and fifty eight (758) of chapter eighteen (18) of *The Code*, volume 1, shall be and the same is hereby amended by striking out all of line one of said section, and all of line two down to and including the word “ year ” in said line two ; and inserting in lieu thereof the words “ the board of commissioners.”

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

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 514.

**An act to provide for the working of the public roads of Hert-
ford county.**

The General Assembly of North Carolina do enact:

County commis-
sioners to pro-
vide road fund by
special tax.

SECTION 1. That the board of county commissioners of Hertford county, at their regular meeting in June, in the year one thousand eight hundred and ninety-seven (1897) and each regular annual thereafter shall provide a fund for the construction and keeping in repair the public roads in said county by levying an assessment of not less than 10c. nor greater than 20c. on the hundred dollars' worth of property subject to taxation for state and county purposes.

Rate of tax.

Assessment in
separate column
on tax books.

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 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, improvement and maintenance of the public roads and bridges of the county of Hertford, and the purchase of such implements, teams and wagons, camp outfit, providing quarters or stockade for the use of and safe keeping of the convict force, as may be found necessary for the proper carrying on of the work.

To be collected as
other taxes.

How expended.

Superintendent
of roads to be
elected.

SEC. 3. That there shall hereafter be elected at such times and in such manner as is provided by law for other county officers

in the county of Hertford a superintendent of roads, who shall receive a salary of not less than forty nor more than fifty dollars per month, to be fixed by the board of commissioners, to be paid out of the county road fund, and who shall hold office until his successor at the next general election has been elected and qualified as provided by law for other county officers. It shall be the duty of said superintendent of roads to supervise, direct and have charge of the construction and repairing of all public roads and bridges in said county of Hertford, and he shall submit to the board of county commissioners of Hertford county, by monthly report in writing, concerning the work in progress, the money expended, the condition of the public roads and bridges and plans for improvement. Said county road superintendent shall deposit with the board of county commissioners a good and lawful bond for the sum of two thousand dollars as a guarantee of a faithful discharge of the duties of his office.

Salary.

Term of office.

Duty.

Monthly reports.

Bond.

SEC. 4. That the said superintendent shall have the right to give said bond in any surety company that is doing business in this state, the secretary of state certifying to the solvency of said company, the said certificate to be equivalent to justification of sureties.

Bond may be secured by surety company.

SEC. 5. That T. L. Lassiter of the county of Hertford is hereby elected superintendent of roads for said county, his term of office to begin on the first day of July, 1897, and he shall hold office until his successor shall have been duly elected and qualified as herein provided for. The county commissioners of Hertford county are hereby authorized, empowered, and it is hereby made their duty to provide for the salary of said superintendent of roads, and for the expenses necessary for the carrying forward of the work provided for in this act, from and after the first day of July, eighteen hundred and ninety-seven (1897), to be paid out of the road fund of Hertford county, provided for in section one of this act, when collected. In case of death, resignation, or removal of said road superintendent, it shall be the duty of the county commissioners to appoint a road superintendent, who shall hold office until the next general election, and until his successor is elected and qualified.

Superintendent appointed.

When term to begin.

Duty of county commissioners to furnish funds.

County commissioners to fill vacancy.

SEC. 6. The county road superintendent shall appoint, with power at any time to remove or discontinue, one or more persons in each township of Hertford county, to be known as township supervisor of roads, who, acting under the county road superintendent, shall supervise the road work in the township for which they were appointed, or such part thereof as said superintendent may direct.

Superintendent to appoint township supervisors.

Compensation of supervisors.

SEC. 7. The said township supervisors shall be paid, for such time as they may be required to give to the work, such compensation per day during such time as they are actually employed in working on the public roads as may be agreed upon by said county road superintendent out of the public road fund provided for in section one of this act.

Persons subject to road work.

SEC. 8. That all able-bodied male persons of Hertford county between the ages of twenty-one and forty-five years, shall work on the public roads of said county for four days of ten hours each in each and every year, at such time and place and in such manner as may be designated by the road superintendent or township supervisor : *Provided*, that the said superintendent or supervisor of each township shall give to each person of his township who is subject to road duty at least three days' notice by personal warning, or by leaving a written notice at the home or residence of such person, specifying in such notice the time and place when and where such work is to be performed, and also designating in such notice the tool or implement with which such person shall be required to work.

Proviso : Road hands to be warned.

Money payment in lieu of road work.

SEC. 9. 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 superintendent or supervisor, in lieu of such labor, a sum of money equal to not less than twenty-five cents for each day he may be required to work, and it shall be the duty of the superintendent or supervisor to receive said sum and give receipt therefor, and that all moneys collected as provided in the section of this act shall be placed in the general road fund, as provided by this act, and become a part thereof.

Money to be placed in road fund.

Failure to appear and work, or pay commutation a misdemeanor.

SEC. 10. That any person, after being duly notified as provided in this act, fail to appear and work as required to do, or who shall fail to pay the sum of twenty-five cents for each and every day he is notified to work, or any person who shall appear as notified and shall fail or refuse to perform good and reasonable labor as required by the superintendent or supervisor shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two dollars nor more than five, or imprisoned not less than five nor more than thirty days for each and every offence.

Penalty.

Persons to be worked on road.

SEC. 11. That all prisoners confined in the county jail under a final sentence of the court for crime or imprisonment for the non-payment of costs or fines, or under final judgment in cases of bastardy, or under the vagrant acts, and all persons sentenced to the state prison for a term less than ten years, shall be worked on the public roads of Hertford county, upon the

application of the said road superintendent of Hertford county, the judge of the superior court or the judge of the criminal court, the justices of the peace, and the principal officers of any municipal or any other inferior court. It shall be the duty of the said judge or justices of the peace, or said principal officers, to assign such persons convicted in his court to said road superintendent for work on the public roads of said county.

SEC. 12. When the county commissioners of Hertford county shall have made a provision for the expense of supporting and guarding while at work on the public roads a larger number of convicts than can be supplied from said Hertford county, upon the application of the county commissioners of Hertford county, the judges of the superior or criminal courts, and the justices of the peace, or the principal officers of any municipal or other inferior court in adjoining counties, or any other courts or counties in first judicial district which do not provide for the use of their own convicts, or on public roads within their own borders, shall sentence prisoners convicted of crimes aforesaid to work on the public roads of said county of Hertford, and the cost of transporting and supporting such prisoners as may be sent to the commissioners of Hertford county from said adjoining counties, or any other county or counties in first judicial district, shall be paid by the county of Hertford:

Provided, that any and all such prisoners from such other counties may, at any time, be returned to the keeper of the common jail of such counties: *Provided, further*, that in cases of physical disability, and in cases where prisoners sentenced in said superior or criminal or inferior courts of Hertford or other counties in the opinion of the presiding judge or the superintendent of roads, Hertford county, are of such dangerous character as to make their working on the public roads inexpedient, the said prisoners may be sentenced to the penitentiary or county jail.

SEC. 13. That in no case shall a prisoner be compelled to wear stripes or convict clothing unless said prisoner was duly convicted of a felony, when such person shall be compelled to wear striped or convict clothing.

SEC. 14. That when any convict on said roads becomes unruly so as it becomes necessary for the supervisor or guards to whip 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 board of commissioners of said county, and any overseer who shall whip a convict in a cruel and

Courts to assign convicts to road work.

When convicts of adjoining counties assigned to road work in Hertford county.

Costs to be paid by Hertford county.

Proviso:
Prisoners from other counties may be returned.
Proviso:
Certain prisoners sentenced to penitentiary or county jail.

Prisoners not compelled to wear stripes unless convicted of felony.

How corporal punishment inflicted on convicts.

Record to be kept and report made.

Misdemeanor to whip convicts in cruel and unusual manner.
Penalty.

Power of superintendent and supervisors to enter upon land and take material.

How drains and ditches constructed.

Penalty for obstructing drains and ditches.

Penalty applied to road fund.

Power of superintendent to relocate or change roads.

How damages assessed.

Jury to declare if benefits equal or exceed damages.

How excess of benefit recovered.

To be paid into road fund.

unmerciful manner, shall be guilty of a misdemeanor and fined or imprisoned at the discretion of the court.

SEC. 15. For the purpose of carrying out the provisions of this act, the said superintendent and supervisors are hereby authorized to enter upon any uncultivated lands or improved lands unencumbered by crops, near to or adjoining such roads, to cut and carry away timber, except trees or groves on improved land planted or left for ornament or shade, to dig or cause to be dug and carried away any gravel or sand which may be necessary to make, improve or repair said road, and to enter on any lands adjoining or lying near the same, to make such drains or ditches through the same as he may deem necessary for the benefit of the roads, doing as little injury to said lands and the timber or improvements thereon as the nature of the case and the public good will permit, and the drains and ditches so made shall be conducted to the nearest ditch, waste grounds, and shall not be kept open by the superintendent or supervisor, and shall not be obstructed by the owners or occupants of said lands, or any other person or persons, under the penalty of forfeiting a sum not exceeding ten dollars for each and every offence, or imprisonment not exceeding twenty days, said penalty to be collected by the said superintendent or supervisor, and paid over to the county treasurer, and applied to the fund of the county.

SEC. 16. That the county superintendent of roads is hereby given discretionary power to relocate or change any part of any public road when in his judgment such relocation or change will prove advantageous to public travel. That when any person or persons on whose lands the new road or part of road is to be located claims damages therefor, and within thirty days petitions the board of county commissioners for a jury to assess the damages, the said commissioners, within not less than fifteen nor more than sixty days after the completion of the said road, shall order said jury to be summoned as provided by law in section 2023 of *The Code*; and said jury, in considering the question of damages, shall also take into consideration the benefits to public travel and to the owner of the land, and if said benefits be considered equal to or greater than the damages inflicted the jury shall so *declare*, and the superintendent of roads, in default of the owner of said land praying the sum awarded as benefits in excess of damage by said jury, he is hereby authorized and empowered, in the superior court of Hertford county, in the name of the board of commissioners of Hertford county, to recover said sum from the owner or owners of said land, and such sum as shall be recovered shall be paid into the

road fund of said county. When any such person or persons claiming damages shall cause such jury to be summoned, said person or persons shall defray the expenses and pay the costs of the case, whether the award of said jury be in their favor or otherwise: *Provided, however*, that the party to whom damages are awarded shall recover no more cost than the sum equal to the amount of damages awarded.

Persons claiming damages to pay costs,

Proviso:
Costs limited to amount of damages.

SEC. 17. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 18. That this act shall be in force from and after its ratification.

Ratified the 9th day of March, A. D. 1897.

CHAPTER 515.

An act in favor of John T. Miles of Alleghany county.

The General Assembly of North Carolina do enact:

SECTION 1. That the treasurer of Alleghany county is hereby authorized and directed to pay to John T. Miles, of said county, the sum of three dollars and forty two cents, out of the school fund, the same being the balance due him for teaching a free public school in district No. 37 in Alleghany county during the year 1895.

Treasurer of Alleghany county to pay balance due for teaching school.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 516.

An act to amend stock law of 1895, to apply to Randolph county only.

The General Assembly of North Carolina do enact:

SECTION 1. That section 4, chapter 35, laws of 1895, be amended by adding "Randolph" at the end of said section.

Provisions of law extended to Randolph county.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 517.

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

The General Assembly of North Carolina do enact :

Act for collection
of arrears of
taxes in Wil-
mington
repealed.

SECTION 1. That chapter one hundred and eighty-two of the public laws of one thousand eight hundred and ninety-five be and the same is hereby repealed.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 518.

An act to prohibit the sale of liquor within one mile of "Saints Delight" Free Will Baptist church in Craven county at any time within 12 hours before or after service in said church.

The General Assembly of North Carolina do enact :

Unlawful to sell
liquors within
one mile of
church within 12
hours before or
after service.

SECTION 1. That it shall be unlawful for any person or persons, firm or corporation, to sell any wine, beer, spirituous or alcoholic liquors within one mile of "Saints' Delight" Free Will Baptist church in number 2 township, Craven county, North Carolina, at any time within twelve hours before or after any religious service in said church.

Violation of act
a misdemeanor.

SEC. 2. That any person or persons, firm or corporation, offending against the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined twenty-five dollars, or imprisoned not less than thirty days, or both in the discretion of the court.

Penalty.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 519.

An act to amend sections 645, 3810 and 3811 of The Code, and to regulate the service of processes in criminal actions.

The General Assembly of North Carolina do enact :

SECTION 1. That section 645 of *The Code* be and the same is hereby amended by adding at the end thereof the words, " but no precept, mandate or other criminal process shall be so directed to any person who is not a regular officer of the county of the justice of the peace who may issue such precept, mandate or other criminal process, unless it shall appear to the justice of the peace who may issue the precept, mandate or other criminal process, by the affidavit of a reputable and creditable person, that there is imminent danger of the escape from the state of the person upon whom such precept, mandate or other criminal process is to be served before he can be apprehended by a constable, sheriff or deputy sheriff, and that no constable, sheriff or deputy sheriff can at the time be found within the township of the justice of the peace who may issue such precept, mandate or other criminal process, and unless the justice of the peace who may issue such precept, mandate or other criminal process shall find as facts such affidavits, that there is such imminent danger of the escape from the state of the person upon whom such precept, mandate or other criminal process is to be served before he can be apprehended by a constable, sheriff or deputy sheriff, and that no constable, sheriff or deputy sheriff can at the time be found within the township of such justice of the peace, and shall endorse such findings of fact upon such precept, mandate or other criminal process, justice of the who may direct any precept, mandate or other criminal process to any person except a constable, the sheriff, or the coroner in cases where the coroner is now authorized by law to execute such precept, mandate or other criminal process, without complying with the provisions of this section, shall be guilty of a misdemeanor, and upon conviction therefor shall be fined or imprisoned, or both at the discretion of the court, and shall be removed from his office by the court in which he may be convicted.

Criminal process not to issue but to regular officers of county.

Exceptions in case of imminent danger of escape of criminal.

Misdemeanor for justice of peace to direct process except in accordance with law.

Penalty.

SEC. 2. That section 3810 of *The Code* be and the same is hereby amended by striking out in the third line thereof, after the word " by " and before the word " under," the words " any court within their respective counties," and inserting in lieu thereof the words " the mayor or other chief magistrate of their

Power of town constable to secure process.

city or town," and by adding at the end of said section the words, "but no city or town constable shall have authority to execute any civil or criminal process issued by any officer except the mayor or other chief magistrate of his city, town or village.

Criminal process
from municipal
officers.

SEC. 3. That section 3811 of *The Code* be and the same is hereby amended by inserting in the first line thereof, after the word "policeman" and before the word "shall," the words "the sheriff or a regular township constable," and by inserting in the second line thereof, between the word "process" and the word "within," the words "issued by the mayor or other chief magistrate of the city, town or village," and by striking out in the third line thereof, after the word "as" and before the word "vested" the word "is," and inserting in lieu thereof the word "has heretofore been," and by adding at the end of said section the word "but no policeman shall have authority to execute any process issued by any officer except the mayor or other chief magistrate of his town, city or village."

Policeman not
authorized to
serve process
unless issued by
mayor or chief
magistrate of
town.
To apply only to
Buncombe
county.

SEC. 4. That the provisions of this act shall apply only to the county of Buncombe.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 520.

An act to provide for the support, maintenance and other purposes of the state hospital at Morganton, the North Carolina Insane Asylum at Raleigh, and the eastern hospital at Goldsboro.

The General Assembly of North Carolina do enact:

Annual appro-
priation for
Western Hos-
pital for insane.

SECTION 1. That there be and is hereby appropriated annually the sum of ninety thousand dollars now provided by law for the use, benefit, support, maintenance and repairs of the western hospital for the insane at Morganton, to be paid by the state treasurer upon the warrant of the auditor.

Annual appro-
priation for Cen-
tral Hospital for
insane.

SEC. 2. That there is hereby appropriated the sum of fifty-five thousand four hundred and fifty dollars per annum for the use, benefit, support, maintenance, repairs and care of the central hospital for the insane at Raleigh; that from and after the ratification of this act all insane patients who may be sent from the counties of Robeson and Durham, are to be sent to and received at the North Carolina insane asylum at Raleigh,

Patients from
Robeson and
Durham coun-
ties to be re-
ceived at North
Carolina Insane

instead of the state hospital for the insane at Morganton, as heretofore, and the said counties of Durham and Robeson are transferred to the North Carolina insane asylum district for the purpose of this act.

Asylum at Raleigh.

SEC. 3. That there is hereby appropriated the sum of forty thousand dollars for the benefit, care, maintenance, repairs and support of the state hospital for the colored insane at Goldsboro, and this amount is hereby annually appropriated for the benefit of said institution.

Annual appropriation for State Hospital for colored insane.

SEC. 4. That the principal of each of said institutions for the insane, that is to say for the western hospital at Morganton, for the central hospital at Raleigh, and for the eastern hospital at Goldsboro, may designate one or more of their employees to act as policemen on the premises of their several institutions. The person so designated upon taking the oath of policeman before the mayor of Morganton, Raleigh or Goldsboro, as the case may be, shall wear a police uniform and a police badge to be furnished them out of the appropriation annually made under the direction of the several principals, and shall be and are hereby invested with full police power and authority to arrest any and all disorderly persons, persons committing or threatening to commit any nuisance, trespass in and on the premises, and all tramps, vagrants or obnoxious persons on the grounds of the said state institutions, or any person who may violate any of the rules, regulations and by-laws that are or may be made by the principal and board of trustees, of the several institutions, and when so arrested the said person shall be carried before the nearest mayor or justice of the peace, and shall be deemed guilty of a misdemeanor, and upon conviction may be fined not exceeding fifty dollars, or imprisoned not exceeding thirty days, the discretion of the mayor or magistrate trying the same.

Employees designated to act as policemen.

Persons designated and taking oath to wear uniform and badge.

Power and authority.

Where persons arrested to be carried.

Misdemeanor. Penalty.

SEC. 5. That there is hereby established and created in the state penitentiary a department to be known and designated as "the department for the criminal insane," and all persons in the state who are now insane and, who committed a crime while insane, or who were insane at the time arraigned for trial and confined in any of the insane institutions of the state, shall be transferred to the said department for the criminal insane so to be set apart by the principal and trustees of the state penitentiary. All persons who may hereafter commit crime while insane, and all persons who, being charged with crime and insane at the time of their arraignment, or when put upon trial, may be sent by the court before whom they are or may be arraigned, or to be tried when it is, or may be ascer-

Department in penitentiary for criminal insane.

Persons transferred to department.

Persons hereafter sent to department.

Races and sexes
to be kept sepa-
rate.
Medical care and
treatment.

Duties of officers
on restoration to
normal mental
health or crimi-
nal insane.

Treatment of
criminal insane.

Penitentiary
authorities to
provide rooms
for criminal and
dangerous
insane patients.

How expenses
of transfer paid.

Authority for
admission of
patients to
insane wards of
penitentiary.

tained by due course of law that such person is then or was insane, to the department for the criminal insane in the state penitentiary at Raleigh for treatment, under such rules and regulations as the superintendent and directors of the state penitentiary may from time to time prescribe. In this department for the criminal insane, the races and the sexes shall be kept in separate apartments, and shall be under the medical care and treatment of the physicians and surgeons of the central hospital at Raleigh. The principal of the said central hospital is charged with their care and treatment, and may from time to time delegate this duty to one or more of his assistant physicians, or to one or more of the surgeons or physicians at the penitentiary; but the care, treatment and cure of such criminal insane shall at all times be under the supervision and direction as herein of the said principal of the central hospital at Raleigh. That whenever the principal of the central hospital shall certify in writing that any one of the criminal insane are cured or restored to their normal mental health, the superintendent of the state penitentiary shall notify the sheriff of the county from which said criminal insane was sent, whose duty it shall be to convey said prisoner insane person to the county from which he or she was sent, and hold the same in custody, under the order and direction of the resident judge of the superior or criminal court or the judge then riding the circuit or district in which said county is embraced. That the said criminal insane, which so confined in the department for the criminal insane, are to be treated in all respects as insane patients, and confined for the purpose of treatment and cure in the same manner, in all respects, as other insane persons are kept and cared for in other insane institutions of the state.

SEC. 6. It shall be the duty of the board of directors of the penitentiary to provide as soon as may be a sufficient number of rooms in the present penitentiary building to accommodate such criminal and dangerous insane patients as are now or hereafter may be confined in either of the state institutions charged with the care of the insane, and also such as may be committed under later provisions of this chapter. The transfer of such persons to Raleigh shall be a state charge, to be paid by the treasurer upon the warrant of the auditor.

SEC. 7. The certificate of the superintendent, endorsed and approved by three members of the board of directors of any of the state hospitals or asylums for the insane, shall be sufficient authority for the admission into the insane wards of the penitentiary of any patient of homicidal tendencies, whose presence in the hospital of his treatment is dangerous to other patients.

A detailed statement of the facts in each case of this character shall be rendered to the governor in the regular reports of the institutions making such transfers.

Statement of facts to be rendered to governor.

SEC. 8. The superintendents of the several state hospitals and asylums for the insane, with the consent of their respective boards of directors, shall make application to the board of directors of the penitentiary for the admission into the insane ward of the penitentiary provided for in this act of all criminal insane persons under treatment in either of such hospitals or asylums who have been guilty of a capital felony or other crime previous to admission in either of such institutions, and whose presence is dangerous to others, likewise all insane persons who have committed any act of homicide or crime while under treatment in either of the state hospitals or asylums; and it shall be the duty of the penitentiary authorities to receive all such insane persons as soon as the insane wards heretofore provided for shall be opened for the reception of patients. It shall also be their duty, in like manner, to receive any criminal insane persons confined in any jail of the state upon the order of any judge of the superior or criminal courts, duly certified as such.

Application for transfer of patients from hospitals to insane ward of penitentiary.

Penitentiary to receive patients.

SEC. 9. For the purpose of carrying into effect the provisions of this act the board of directors of the penitentiary are hereby authorized and directed to employ, to the exclusion of any current work, any skilled labor to be found among the convicts in remodeling and arranging such portions of the penitentiary building as, after due inquiry, shall be deemed necessary to provide for the humane care of the insane persons herein mentioned. It shall be the duty of the penitentiary authorities to provide separate quarters for the sleeping, eating and exercising of the two sexes, and also for the white and colored patients, and all insane persons in their charge shall be kept absolutely apart from the sane convicts. The physicians of the penitentiary, under the directions of the physician of the Raleigh insane asylum, as herein provided, shall be the medical superintendent of the insane wards herein provided for.

Penitentiary to use convict labor in remodelling wards.

Separate quarters for races and sexes.

Insane persons to be kept apart from sane convicts.

Medical superintendent.

SEC. 10. When a person accused of the crime of murder, attempt at murder, rape, assault with intent to commit rape, highway robbery, train wrecking, arson or other crime, shall have escaped indictment or shall have been acquitted upon trial upon the ground of insanity, or shall be found by the court to be without sufficient mental capacity to undertake his defence or to receive sentence after conviction, the court before which such proceedings are had shall, in its discretion, commit such person to the department for the criminal insane at Raleigh, N. C., to be kept in custody in the insane wards of the peniten-

Courts to commit certain persons to department for criminal insane.

Duty of officer
on recovery of
patient.

Expense of com-
mitment and
removal paid by
counties.

Patients not to
be clothed in
convict garb nor
subjected to con-
vict discipline.
Attendants not
taken from con-
victs.

Convicts becom-
ing insane after
commitment of
penitentiary.

Insane convicts
retained after
expiration of
term.

Persons com-
mitted to insane
wards allowed to
purchase luxu-
ries.
Confinement in
insane not to be
considered a
punishment.

Appropriation
for department
of criminal
insane.

tiary for treatment and care as herein provided. Such persons shall be kept in the place to which committed, unless transferred under previous provisions of this chapter, until restored to his or her right mind, in which event it shall be the duty of the authorities having the care of such persons to notify the sheriff of the county from whom they came, who shall take order that they appear before the judge of the superior court for the district, to be dealt with according to law. The expense incident to such commitment and removal shall be paid by the county authorities from which such insane patient was sent.

SEC. 11. No person committed to the insane wards of the state prison shall be clothed in convict garb, or made amenable to convict rules and regulations, nor shall the attendants for such persons be taken from the corps of convicts. All convicts becoming insane after commitment to the penitentiary, and that fact being certified as now required by law in the case of other insane persons, shall be admitted to the insane wards herein provided for upon terms of exact equality with other patients of the same character. In the case of the expiration of the sentence of any convict insane person, while such person is confined to the insane wards of the penitentiary, such persons shall be kept till restored to his or her right mind, or such time as he or she may be considered harmless and incurable.

SEC. 12. Nothing contained in this chapter and no order of the board of directors of the penitentiary or medical superintendent, as herein provided, shall debar any insane person committed to their custody from enjoying, at his or her own expense, such luxuries as may be found compatible with the good government of the wards and the health of such patients. Confinement in the wards, herein provided for, shall in no case be deemed or taken to be a punishment or penalty for any act, or which any patient may have been guilty or charged with guilt.

SEC. 13. That for the purpose of maintenance of said criminal insane so transferred or sent to the "department of the criminal insane," as herein provided, the sum of three thousand (\$3,000.00) dollars, annually, for the years one thousand eight hundred and ninety-seven (1897), and one thousand eight hundred and ninety-eight (1898), is hereby appropriated to the superintendent of the state penitentiary, out of any moneys not otherwise appropriated, to be used for said purpose and to be paid by the state treasurer upon the warrant of the state auditor, as the sum may be needed and required, upon the certificate of the superintendent of the state penitentiary.

SEC. 14. That any fire department organized and in operation at either the insane hospital at Morganton or Goldsboro, or the North Carolina insane asylum at Raleigh, or which may hereafter be organized at either of said institutions, shall be entitled to have their *pro rata* share in the fund known as the fireman's relief fund, as provided by law, and share in the sum, under the provisions of law establishing the said fund, to the same extent and in the same manner as other firemen now or may do, as provided by law.

Fire departments at insane asylums to share in fireman's relief fund.

SEC. 15. That all laws or parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Repealing clause.

SEC. 16. That hereafter the auditor shall not audit nor the state treasurer pay any director or trustee or visitor to any asylum more than his or their actual expenses, including railroad fares and board for such visits, meetings or investigations, from and after the ratification of this act.

Pay of directors, trustees and visitors to asylums.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 521.

An act to aid the Normal and industrial institute of Elizabeth City, North Carolina.

The General Assembly of North Carolina do enact :

SECTION 1. That the sum of (\$500) five hundred dollars, be and the same is hereby appropriated annually from such moneys, not otherwise appropriated, in aid of and for the support of the Normal and industrial institute of Elizabeth City, North Carolina, said institution having been incorporated by act of the General Assembly, "1893," one thousand eight hundred and ninety-three: *Provided*, the trustees of said school raise (\$1,500) fifteen hundred dollars, then, on satisfactory evidence by them made to the state treasurer that they have raised said amount, then the state treasurer is hereby authorized to pay over to the treasurer of said school the sum of (\$500) five hundred dollars out of any money not otherwise appropriated.

Annual appropriations.

Proviso: Trustees of school to raise \$1,500.

SEC. 2. That George W. Cobb, M. N. Sawyer, Peter S. Shipp, Willoughby Lynch, W. H. Stark, W. T. Johnson, and E. M. Davis be and they are hereby appointed a local board of managers on the part of the state to co-operate with the present board of managers of said institution.

Local board of managers on the part of the State.

Appropriation
paid to treasurer
of institution.

SEC. 3. That the treasurer is hereby authorized and directed to pay to George W. Cobb, the treasurer of said institution, "or his successor," the sum appropriated in section one of this act.

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

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 522.

An act for the relief of W. W. Hampton, clerk superior court of Surry county.

The General Assembly of North Carolina do enact:

Exempted from
attendance at
office during
April, 1897.

SECTION 1. That the clerk of the superior court of Surry county be, and is hereby exempted from the provisions of section one hundred and fourteen of *The Code* during the month of April, 1897, and from the liabilities and penalties mention in section one hundred and fifteen of *The Code* for said period.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 523.

An act to authorize the commissioners of Wilkes county to appoint jury to assess damages to Mrs. John Pearce in Wilkes county.

The General Assembly of North Carolina do enact:

Commissioners
of Wilkes county
to assess dam-
ages for location
of road.

SECTION 1. That the commissioners of Wilkes county are hereby authorized and empowered to appoint a jury of three to assess whatever damages Mrs. John Pearce has sustained by reason of the locating and building the road leading from Wilkes creek in Wilkes county to Creston in Ashe county, under the laws of 1893, chapter (364), and as amended by the laws of 1895, chapter (400).

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 524.

An act to amend chapter 90 of the public laws of 1895, entitled an act to establish a system of public roads for Madison county.

The General Assembly of North Carolina do enact :

SECTION 1. To amend by striking out the word "three" in section 1, line two of said act, and insert in lieu thereof the word "four."

Roads divided into four classes.

SEC. 2. To amend section 2 of said act by striking out in line one the word "twenty" and insert in lieu thereof the word seventeen, and in line two by striking out the word "sixteen" and inserting in lieu thereof the word fourteen, and in line three by striking out the word "twelve" and inserting in lieu thereof the word "ten," by inserting after the word "road" at the end of section 2, "a road of the fourth-class shall be ten feet wide, with road bed of seven feet and a margin of one foot on each side of the road."

Width of first class road.

Width of second class road.

Width of third class road.

Description of fourth class road.

SEC. 3. To amend section three of said act by striking out in line two of said section the word "sixteen" and insert in lieu thereof the word fourteen, in line three to strike out the word "twelve" and insert in lieu thereof the word ten, and line five to strike out the word "ten" and insert in lieu thereof the word nine, to insert at the end of said section, a fourth-class road shall have a grade not to exceed a rise of one foot in eight.

Grade of first class road.

Grade of second class road.

Grade of third class road.

Grade of fourth class road.

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.

Ratified the 9th day of March, A. D. 1897.

CHAPTER 525.

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

The General Assembly of North Carolina do enact :

SECTION 1. That all persons confined in the county jail either under final sentence of the court for crime, or imprisonment for the non-payment of fines and costs, or under the vagrant acts, and all persons sentenced to state prison for a term less than five years, shall be available to the county commissioners for the purpose of working said persons upon the public roads, and

Prisoners available for work on roads.

Courts to assign convicts to work on road.

upon the application of said commissioners to the judges of the superior or inferior court for said county he shall assign such persons convicted in his court to said commissioners for said purpose.

Persons not compelled to wear stripes unless convicted of felony.

SEC. 2. That in no case shall a person be compelled to wear stripes as convicts' clothing unless said person was duly convicted of a felony, when such person shall be compelled to wear stripes or convicts' clothing.

Females not to be worked on road.

SEC. 3. That no female person shall be made to work on said roads.

How corporal punishment inflicted.

SEC. 4. That when any convict on said roads become unruly, so that it shall become necessary for the supervisor or guards to whip 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 judges of the superior court of the county.

Record to be kept and report made.

Misdemeanor to whip convict in cruel and unusual manner. Penalty.

And any overseer who shall whip a convict in a cruel and unmerciful manner shall be guilty of a misdemeanor, and fined or imprisoned, or both, at the discretion of the court.

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

To apply only to Macon county.

SEC. 6. That this act shall apply only to the county of Macon.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 526.

An act to facilitate the improvement of public roads in Charlotte township, Mecklenburg county.

The General Assembly of the State of North Carolina do enact :

Executive committee to be elected.

SECTION 1. It shall be the duty of the board of trustees of Charlotte township, Mecklenburg county, at their annual May meeting to elect an executive committee to consist of two members, to be selected from the board, three members to be recommended by the chairman of three political parties, the members to be selected from the board of trustees, one of which committee shall be chairman, and may be chairman of board of trustees.

Chairman.

Term of office.

SEC. 2. This executive committee shall hold office for one year, or until their successors are elected and qualified, but they shall be subject to removal by the board of trustees, who shall, in case of such removal, elect the successors of those removed.

SEC. 3. The secretary of the board of trustees shall be *ex officio* Secretary.
clerk of this executive committee.

SEC. 4. The chairman of this executive committee shall make Reports of chair-
to the committee quarterly, a written report of the condition man.
of the roads in the township, and of the work done thereon,
and the executive committee shall make a full written report Reports of exec-
concerning those matters to the board at its meetings in utive committee.
November and May.

SEC. 5. The executive committee herein provided for shall have Power and
all the power and authority over the roads in the township and authority of ex-
the working thereof that are now conferred by law upon the ecutive com-
board of trustees of Charlotte township, except when otherwise mittee.
expressly directed by the board of trustees, and shall have full
power and authority to do all things connected with the improve-
ment of roads in the township, as the board of trustees now have.

SEC. 6. The executive committee shall meet on the first Mon- Meetings of exec-
day of each month, and for their services shall receive the fol- utive committee.
lowing pay, to-wit: The chairman shall receive \$2.00 per day Pay of chairman.
for each regular meeting and each member and the secretary Pay of members
shall receive \$1.00 per day for like service. No members of the and secretary.
board shall receive pay for more than twelve days during any Limit on pay of
year. members of
board.

SEC. 7. All laws and parts of laws in conflict with the provis-
ions of this act are hereby repealed.

SEC. 8. This act shall take effect from and after its ratifica-
tion.

Ratified the 9th day of March, A. D. 1897.

CHAPTER 527.

An act creating Rose Hill township in Duplin county, N. C.

The Legislature of North Carolina do enact:

SECTION 1. That a township shall be and is hereby created in Duplin county out of parts of Magnolia, Rock Fish and Island Creek townships, and shall be known as Rose Hill township. Township
created.
Name.

SEC. 2. That the boundary of said township shall be as fol- Boundary.
lows: Beginning at Cabin's Trestle on the Wilmington and
Weldon railroad, runs thence up Cabin branch to its head, thence
a direct line to the head of Galberry branch, thence down Gal-
berry branch to the Boon and Wilkins old line, thence as that
line to North branch, thence down North branch to Taylor's
creek, thence down Taylor's creek to Fussell's creek, thence up
Fussell's creek to Harry's branch, thence up Harry's branch to

its head, thence a direct line north 74 degrees east to the Wilmington and Weldon railroad, thence as the railroad north 16 degrees east to Foxskin culvert, thence a direct line to the head of Cook's branch, thence down Cook's branch to Island creek, thence up Island creek (taking in Boney's mill pond) to Reedy branch, thence up Reedy branch (taking in Well's mill pond) to Hen pond, thence up Hen pond to W. B. Well's south-east corner, thence as W. B. Well's east line to Maxwell's creek, thence up Maxwell's creek to Beaverdam creek, thence up Beaverdam creek to Cabin branch, thence up Cabin branch to Cabin Trestle, the beginning. And the voting precinct shall be in the town of Rose Hill.

Voting precinct.

Justices of the peace in township to fill out terms.

SEC. 3. That all persons now acting, and those newly elected, as justices of the peace within the boundary of the said Rose Hill township, shall continue to act as such for Rose Hill township till their respective terms of office shall expire according to law.

New registration for township.

SEC. 4. That the board of county commissioners of Duplin county are hereby directed to order, at their meeting on the first Monday in September, eighteen hundred and ninety-eight, a new registration of the voters within the boundaries of the township hereby created, and the registrars of Magnolia, Rockfish and Island Creek townships are hereby directed to erase the names of the voters residing within said boundaries from the poll books of their respective townships.

Names of voters residing in new township erased from registration books of old township.
Township rights and privileges.

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

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 528.

An act to amend section one, chapter 100, laws of 1895, relative to the courts of Dare county.

The General Assembly of North Carolina do enact:

Duty of judge to hold court at least three days.

SECTION 1. That section one (1) chapter one hundred (100) of the laws of one thousand eight hundred and ninety five (1895), be amended by adding thereto, after the word "September," in line eight (8) thereof, the following: And it shall be the duty of the judge holding the terms of said court for Dare county to keep the same open for the transaction of business

for at least three (3) days consecutively during said term week ; that said court shall be opened on Monday morning of each term week, unless said judge shall notify the sheriff of said county at least thirty (30) days in advance, in which case he may open said court not later than Wednesday morning of said term week.

When court to be opened.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 529.

An act for the better drainage of Reedy Fork creek in Guilford and Forsyth counties.

The General Assembly of North Carolina do enact :

SECTION 1. That commissioners hereinafter mentioned, the duty of whom shall be to lay off such section or sections as may come within their jurisdiction along Reedy Fork creek and its tributaries, from Foulke's mill in Guilford county to its source at Kernersville in Forsyth county.

Duty of commissioners when appointed.

SEC. 2. That whenever a majority of the landowners on a section from half to four or more miles of said stream or its tributaries shall petition the clerk of court of either of said counties, he shall appoint three (3) of their number as commissioners to serve two (2) years.

Commissioners appointed on petition of landowners.

SEC. 3. That a majority of said commissioners shall have power to elect one of their number as chairman, and may fill vacancies in their own number, but in case they neglect or fail to fill vacancies by death or otherwise the clerk of court in either of said counties shall appoint enough to fill vacancies as commissioners to serve two (2) years.

Commissioners to elect chairman and fill vacancies. Clerk of court to fill vacancies on failure of commissioners.

SEC. 4. That said commissioners shall have power to go upon the lands of owners in their subdivision and lay off the amount of work to be done by said owners to stop washes, sand and gullies flowing into said stream or its tributaries, making an estimate of the work to be done each year by said owners ; upon refusal of said landowners to do the necessary work after thirty (30) days' notice by the chairman of said commissioners to stop washes and gullies, then the said commissioners may hire the work done at the lowest price obtainable therefor, and may use from the premises, timber, brush and stone, and dirt on the work. The commissioners then may apply to the county com-

Commissioners to lay off work to be done by landowners.

To have work done on refusal of owners.

Tax to be levied on land to pay for work.

Estimate of cost to be furnished landowner.

No forfeit in case landowner does work.

Commissioners from Guilford county.

Officers to fulfill requirements as to Guilford county.

Duty of commissioners on application of landowner for outlet for ditches.

Cost of ditching a lien on land.

missioners of the county in which the work is done, and they shall levy a tax upon said landowner or landowners to pay the expense incurred in stopping washes and gullies, said tax to be collected as other taxes are, by the sheriff of the county.

SEC. 5. The commissioners, after making an estimate of the work to be done by each landowner in stopping washes and gullies, shall furnish him or her with a copy of the estimated expense, and he voluntarily does the work, the forfeits of the preceding section shall have no force or effect; otherwise the chairman of said commissioners may furnish the register of deeds a list of expenses incurred upon land or lands of owners in stopping washes, sand and gullies, and he shall lay said list before the commissioners of his county, and they shall proceed as prescribed in section four (4) of this act.

SEC. 6. That from the short distance from the Guilford line of said Reedy Fork creek and its tributaries to their source near Kernersville in Forsyth county, upon petition of a majority of the landowners from two (2) miles east of the Guilford line, thence to Kernersville in Forsyth county, the clerk of superior court of said county shall appoint two of their number from Guilford and one from Forsyth, the latter to be chairman, to act as commissioners to lay off and have the work done in stopping washes, sand and gullies in their sub-divisions, with all the powers as provided for for Guilford county by sections 2, 3, 4 and 5 of this act. The clerk of court of Forsyth county, the commissioners, register of deeds and sheriff shall be bound to fulfill the requirements of the preceding sections as applied to Guilford county.

SEC. 7. Be it further enacted that, after the aforesaid act to stop washes, sand and gullies has been put in force for twelve (12) or more months, the three commissioners at their discretion, each for their own sub-division, as provided for in preceding section, may, upon any landowner owning lowlands upon said Reedy Fork creek or its tributaries that are wet and sobbed, apply a desire to ditch the same, and an owner or owners below refuse to ditch to give an outlet for the said complainant, then the three (3) commissioners shall notify said landowner or owners of their purpose to ditch his land, and the said owner or owners shall have the right to choose two (2) disinterested persons to act for him or them, and with the three (3) commissioners, they shall estimate the cost of ditching such wet lands. The work may be done by the commissioners or their lessee, the cost of said ditching to be held as a lien by said commissioners against all the land or lands of said owner or owners, to be collected by a tax upon such lands as provided for in stopping washes and

gullies by sections four (4) and five (5) of this act: *Provided, however,* that a widow or other person who is unable to defray the expenses of ditching wet or sobbed bottom lands, the three (3) commissioners may have the same done and clear up and cultivate or lease to others said lowlands for a term of years and no longer to repay them for the outlay; *Provided, further,* the owner or owners of said lowland shall have the right to choose two (2) disinterested persons to consult with the commissioners and fix upon a time limit; said commissioners or their assigns shall have possession of said lowlands by ditching, clearing up and cultivating the same: *Provided, further,* that no landowner or landowners on said Reedy Fork or its tributaries shall be required by this act to ditch, nor shall any other person have authority to ditch, any lands on said Reedy Fork or its tributaries, unless there be such natural or artificial waterfall at the starting point of such ditch as shall enable such ditches to fully drain and dry such bottom or lowlands; and, *further, provided,* that in no case shall there be given by this act, a lien on any lands for such ditching, except the bottom lands or low grounds on said Reedy Fork or its tributaries.

Proviso:
In case of wid-
ows and persons
unable to defray
expense.

Proviso:
Rights of owners
in settling.

Proviso:
Fall sufficient to
drain land to be
had before ditch-
ing required.

Proviso:
No lien except
on bottom lands.

SEC. 8. That any owner of land for himself or by his agents affected by the provisions of this act, who shall wilfully obstruct the said commissioners, overseers or their hands in carrying out the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned, one or both, at the discretion of the court having jurisdiction thereof.

Obstruction of
commissioners,
overseers or
hands a misde-
meanor.

Penalty.

SEC. 9. That nothing contained in this act shall prevent the building of public bridges or public roads across said stream or private bridges or water gates by the landowners for their own convenience: *Provided,* that they keep the channel free from obstructions at such bridges or water gates.

Public and pri-
vate bridges and
water gates.

SEC. 10. That nothing herein contained shall be so construed as to exempt any person who may serve under the provisions of this act from working on public roads.

No exemption
from road work.

SEC. 11. That this act shall be in force from and after its ratification.

Ratified the 9th day of March, A. D. 1897.

CHAPTER 530.

An act to provide for the building and keeping in repair the public roads in Wilkes county.

The General Assembly of North Carolina do enact :

Will of qualified voters to be ascertained on question of taxation for public roads.

Petitions for and against taxation to be prepared.

Petitions sent to each township.

Petitions circulated for fifty days.
Voters to sign either petition but not both.
Misdemeanor for any but qualified voters to sign petition.
Penalty.

Petitions returned on first Monday in June.

To be compared and names counted.

Result to be declared and recorded.

Roads let to contract if majority for taxation.

Persons bidding off road appointed overseer.

SECTION 1. That the county commissioners of Wilkes county are hereby authorized and directed to ascertain the will of all the qualified voters in said county on the question of building and keeping in repair the public roads by taxation in the following manner, namely, that two petitions shall be prepared by the commissioners at their meeting, the first Monday in April, one for taxation and one against taxation, and shall send into each township two petitions, one for taxation and one against taxation, and that said petitions shall be circulated for the signature of all qualified electors or voters in each township for a period of fifty days, and all voters shall have the right to sign either petition, but shall not be allowed to sign both, and no person not a qualified voter shall be allowed to sign said petitions, and any person not a qualified voter who shall sign either of said petitions shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned at the discretion of the court.

SEC. 2. That said petitions shall be returned to the board of county commissioners on the first Monday in June, 1897, by one of the justices of the peace in each township, and shall be compared and the names of all the qualified voters who have signed said petitions counted by the commissioners in the presence of any persons who may desire to be present, and if it shall appear from a comparison and count of the names on said petition that a majority have signed for taxation, the result shall be so declared by the board, and a record made and filed in the register of deeds' office. But if it shall appear that a majority have signed against taxation, the result shall be so declared, recorded and filed.

SEC. 3. In the event that the majority are for taxation, the county commissioners shall notify the board of supervisors of each township of the time, when all the roads in each township will be sold by lots for twelve months to the lowest bidder, said sale to be made and reported to the county commissioners by the board of road supervisors of each township, at the first meeting of the commissioners after said sale of the roads.

SEC. 4. That the person bidding off any lot of road shall be appointed the overseer of said lot or lots for a period of twelve months, and shall keep in good repair all roads by him bid off

under the same fines and penalties as are now prescribed by law for overseers of roads.

SEC. 5. That the board of road supervisors for each township shall have the right at any time to make such changes in the grade of any road in their township where the hills are too steep to haul a load, as they may deem best for the public good, and sell such lots or changes to the lowest bidder, and report the same to the board of county commissioners.

Power of supervisors to change grade of road.

Changes sold to lowest bidder.

SEC. 6. That as soon as the township boards of road supervisors have made their reports to the board of county commissioners and the estimate made of the probable amount necessary to pay off all the road claims, they shall levy a special tax upon all real and personal property and the poll, observing the constitutional equation, sufficient to pay off said road claims, said taxes to be levied and collected in the manner as other state and county taxes, but shall be known as the road tax, and shall be paid out by the treasurer by order of the board of county commissioners as soon as the claims become due and are presented duly authenticated.

Special tax levied on estimate of amount necessary.

To be levied and collected as other taxes.

How paid out.

SEC. 7. That this act shall not prevent the county commissioners from having any new roads laid off and otherwise constructed upon the petition of the citizens in any locality, or from using convict labor on the public roads.

Commissioners authorized to lay off and construct new roads and use convict labor.

SEC. 8. That this act shall be in force from and after its ratification.

Ratified the 9th day of March, A. D. 1897.

CHAPTER 531.

An act entitled an act to prohibit the sale of spirituous, vinous and malt liquors in two miles of Marine's school house in Onslow county.

STATE OF NORTH CAROLINA, }
COUNTY OF ONSLOW COUNTY. }

To the General Assembly of the State of North Carolina :

WE, the undersigned citizens of the county of Onslow, and residents in the neighborhood of Marines in said county, respectfully petition your honorable body to pass an act prohibiting

Petition.

the sale of spirituous, vinous or malt liquors, or medicated biters within five miles of Marine's school house in Swansboro township, Onslow county :

W. W. Marine.	B. E. Jenkins.	A. T. Padrick.
J. B. Beacham.	Lewis A. Canil.	Wiley N. Sammons.
Jas. A. Cox.	Leon Coville.	Paul Mattocks.
Lewis Marine.	J. E. Gregory.	L. H. Harrison.
E. S. Smith.	Ben. Hurst.	E. I. Croom.
Lee Hurst.	R. D. Provow.	S. H. Thomas.
W. H. Hurst, Sr.	E. M. Koonce.	Benjamin Ward.
G. W. Winberry.	J. W. Taylor.	G. B. Conway.
S. L. Sammons.	James A. Mattocks.	O. H. Marshall.
E. B. Fonville.		

An act entitled an act to prohibit the sale of spirituous, vinous or malt liquors within two miles of Marine's school house in Onslow county.

The General Assembly of North Carolina do enact :

Unlawful to manufacture or sell liquors within two miles of school house.

SECTION 1. That it shall be unlawful for any person or persons, firm or corporation, to manufacture or sell any spirituous, vinous or malt liquors within two (2) miles of Marine's school in Swansboro township in Onslow county.

Violation of act a misdemeanor.

SEC. 2. That any person or persons, firm or corporation, violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction, shall be fined or imprisoned or both, at the discretion of the court : *Provided*, this act shall not apply to the sale of wine by persons manufacturing the same out of grapes raised on their own premises.

Penalty.

Proviso :
Not to apply to manufacture and sale of wine from grapes grown by manufacturer.

SEC. 3. This act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1897.

CHAPTER 532.

An act restoring to the citizens of the town of La Grange, Lenoir county, North Carolina, the right to vote upon the question of license or no license.

The General Assembly of North Carolina do enact :

Prohibition laws as to La Grange repealed.

SECTION 1. That chapter one hundred and twenty-four (124), of the laws of 1887, and all acts amendatory thereof, are hereby repealed.

Commissioners of Lenoir county upon petition order elections

SEC. 2. That the board of county commissioners of Lenoir county shall, upon the petition of one third of the qualified voters, residing in the corporate limits of the town of La

Grange, order an election upon the question of license or no license, and if a majority of the votes cast at any such election in said town of La Grange shall have written or printed on them the word "no license," then and in that case it shall not be lawful for the board of county commissioners to license the sale of spirituous liquors, or for any person to sell any spirituous liquors within said corporate limits until another election shall be held reversing said election; and if any person shall sell any spirituous liquors within said corporate limits, such person offending shall be guilty of a misdemeanor, and fined or imprisoned in the discretion of the court; but if a majority of the votes so cast shall have written or printed on them the word "license," then spirituous liquors may be sold in said town of La Grange, as provided by law: *Provided*, nothing herein shall prevent the sale of liquors upon the prescription of a regular practicing physician.

on question of license or no license.

Effect if majority of votes be for no license.

Misdemeanor.
Penalty.
Effect if majority be for license.

Proviso:
Sale of liquors on prescription of physician.

SEC. 3. That the election provided for in this act shall be held, and returns made at the same time, and under the same rules and regulations as prescribed for the holding of regular elections for the commissioners or other officers for the government of said town: *Provided*, that no election under this act shall be held oftener than once in every two years: *Provided*, further, that if one-third of the qualified voters of said town shall petition to the board of county commissioners for said election at least thirty days before the time for holding and advertising for the regular election for the commissioners of said town, or other officers for the government of said town, then said board of county commissioners shall order said election as above: *Provided*, but no one shall be licensed to sell spirituous liquors until five days after Kinsey's seminary shall cease to be run as a school by its present principal.

When and how election held and returns made.

Proviso:
Election not held more than once in two years.

Proviso:
When petition for election filed.

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.

Proviso:
No license issued until discontinuance of Kinsey's Seminary.

Ratified the 9th day of March, A. D. 1897.

Penalty. •

Implements and tools to be supplied by superintendent.

Proviso:
Road hands to furnish tools until same are purchased.

Supervisors to furnish list of persons liable to road duty.

Superintendent to check list and furnish supervisors with revised copy.

List of delinquents to be furnished to magistrate.

Duty of magistrate.
Proviso:
Delinquent may be prosecuted at any time by any citizen of county.

Prisoners to be worked on roads.

perform good and reasonable labor as required by the said superintendent or supervisor, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two nor more than five dollars, or imprisoned not less than five nor more than ten days.

SEC. 5. That proper implements and tools for use in working the public roads of Alamance county, as provided in section three of this act, shall be supplied by the county road superintendent, and shall be paid for out of the road fund of the county, or out of the road fund of each of the respective townships: *Provided*, that, until the county road superintendent shall be able to supply the necessary tools and implements, he may, and he is hereby empowered, to compel any and all persons working on the public roads of Alamance county to provide themselves with such implements while working on said roads as said superintendent or supervisor may designate in his notice or summons as being necessary.

SEC. 6. That on the first day of June, 1897, and each succeeding year, or oftener if required to do so by said superintendent of roads, the township supervisor of roads in each township of Alamance county shall furnish to the county road superintendent a complete list of the names of all persons liable for road duty in the township in which he resides. Said superintendent of roads, after receiving the above list of persons liable for road duty, shall check off the names of such persons as have paid the sum of one dollar, as provided in section four of this act, and shall, within fifteen days, and as often thereafter as may be necessary, furnish to each said township supervisor a correct revised list of all persons liable for road duty in each said township for that year. A list of such persons liable to road duty in each township, who have during any year failed to work on the public roads, after having been duly notified, or to pay as provided for in section three of this act, shall immediately be submitted by the county road superintendent or supervisor to a magistrate in the township in which such persons reside, and it shall be the duty of said magistrate immediately to issue his warrant for such persons, and proceed against them according to law: *Provided, however*, that the defaulting party may be prosecuted at any time and by any citizen of the county.

SEC. 7. That all prisoners confined in the county jail under a final sentence of the court for crime, or imprisonment for the non-payment of costs or fines, or under the vagrant acts, all insolvents who shall be imprisoned by any court in said county for non-payment of costs and all persons sentenced in said county of state prison for a term less than ten years, shall be worked on

the public roads of Alamance county. And upon the application of the said road superintendent of Alamance county the judge of the superior court, or the judge of the criminal court, the justices of the peace, and the principal officer of any municipal or any other inferior court, it shall be the duty of the said judge, or justices of the peace, or said principal officer, to assign such persons convicted in his court to said road superintendent, for work on the public roads of said county: *Provided*, that no person who has been convicted and sentenced on the charge of murder, manslaughter, rape, attempt to commit rape or arson, shall be assigned under this act.,

SEC. 8. That the principal public roads to be improved or constructed in accordance with the provisions of this act shall be first carefully surveyed and located by an engineer, trained and experienced in such work, aided by the county road superintendent and such assistants as it may be necessary for him to employ, the same to be paid out of the road fund of the county for services and expenses as may be agreed upon by the county commissioners. All such public roads, where changed or hereafter located, shall be given a grade nowhere greater than four feet in one hundred, and a width of not less than twenty feet, clear of ditches, trees, logs and other obstructions. All such roads shall be thoroughly drained, and wherever it may be necessary to turn water across the road, this shall be done by putting in sewer pipes or other forms of covered drains, culverts or bridges: *Provided*, that where, in the opinion of an experienced and competent engineer, insurmountable obstructions make the grades of four feet in one hundred impracticable, the grade may be increased to six feet in one hundred for distances of less than one hundred feet in any one place; and, *provided, further*, that in places where the roadway must be blasted out in hard rock the width of said roadway shall not be less than twelve feet.

SEC. 9. That for the purpose of carrying out the provisions of this act, the said superintendent and supervisors are hereby authorized to enter upon any uncultivated lands or improved lands unencumbered by crops, near to or adjoining such roads, to cut and carry away timber, except trees or groves on improved lands planted or left for ornament or shade, to dig or cause to be dug and carried away any gravel, sand or stone, which may be necessary to construct, improve or repair said road, and to enter on any lands adjoining or lying near the road in order to make such drains or ditches through the same as he may deem necessary for the betterment of the road, doing as little injury to said lands and the timber or improvements

Court to assign convicts to road work.

Proviso:
Convicts guilty of specified crimes not to be assigned.

Roads to be surveyed and located.

Pay of engineer and assistants.

Grade and width of road.

How roads drained.

Proviso:
Variation of grade in certain cases.

Proviso:
Width may be lessened in certain cases.

Power of superintendent and supervisors in entering on lands and taking road material.

Power to enter on lands for drains and ditches.

Penalty. •

Implements and tools to be supplied by superintendent.

Proviso:
Road hands to furnish tools until same are purchased.

Supervisors to furnish list of persons liable to road duty.

Superintendent to check list and furnish supervisors with revised copy.

List of delinquents to be furnished to magistrate.

Duty of magistrate.
Proviso:
Delinquent may be prosecuted at any time by any citizen of county.

Prisoners to be worked on roads.

perform good and reasonable labor as required by the said superintendent or supervisor, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two nor more than five dollars, or imprisoned not less than five nor more than ten days.

SEC. 5. That proper implements and tools for use in working the public roads of Alamance county, as provided in section three of this act, shall be supplied by the county road superintendent, and shall be paid for out of the road fund of the county, or out of the road fund of each of the respective townships: *Provided*, that, until the county road superintendent shall be able to supply the necessary tools and implements, he may, and he is hereby empowered, to compel any and all persons working on the public roads of Alamance county to provide themselves with such implements while working on said roads as said superintendent or supervisor may designate in his notice or summons as being necessary.

SEC. 6. That on the first day of June, 1897, and each succeeding year, or oftener if required to do so by said superintendent of roads, the township supervisor of roads in each township of Alamance county shall furnish to the county road superintendent a complete list of the names of all persons liable for road duty in the township in which he resides. Said superintendent of roads, after receiving the above list of persons liable for road duty, shall check off the names of such persons as have paid the sum of one dollar, as provided in section four of this act, and shall, within fifteen days, and as often thereafter as may be necessary, furnish to each said township supervisor a correct revised list of all persons liable for road duty in each said township for that year. A list of such persons liable to road duty in each township, who have during any year failed to work on the public roads, after having been duly notified, or to pay as provided for in section three of this act, shall immediately be submitted by the county road superintendent or supervisor to a magistrate in the township in which such persons reside, and it shall be the duty of said magistrate immediately to issue his warrant for such persons, and proceed against them according to law: *Provided, however*, that the defaulting party may be prosecuted at any time and by any citizen of the county.

SEC. 7. That all prisoners confined in the county jail under a final sentence of the court for crime, or imprisonment for the non-payment of costs or fines, or under the vagrant acts, all insolvents who shall be imprisoned by any court in said county for non-payment of costs and all persons sentenced in said county of state prison for a term less than ten years, shall be worked on

the public roads of Alamance county. And upon the application of the said road superintendent of Alamance county the judge of the superior court, or the judge of the criminal court, the justices of the peace, and the principal officer of any municipal or any other inferior court, it shall be the duty of the said judge, or justices of the peace, or said principal officer, to assign such persons convicted in his court to said road superintendent, for work on the public roads of said county: *Provided*, that no person who has been convicted and sentenced on the charge of murder, manslaughter, rape, attempt to commit rape or arson, shall be assigned under this act.,

SEC. 8. That the principal public roads to be improved or constructed in accordance with the provisions of this act shall be first carefully surveyed and located by an engineer, trained and experienced in such work, aided by the county road superintendent and such assistants as it may be necessary for him to employ, the same to be paid out of the road fund of the county for services and expenses as may be agreed upon by the county commissioners. All such public roads, where changed or hereafter located, shall be given a grade nowhere greater than four feet in one hundred, and a width of not less than twenty feet, clear of ditches, trees, logs and other obstructions. All such roads shall be thoroughly drained, and wherever it may be necessary to turn water across the road, this shall be done by putting in sewer pipes or other forms of covered drains, culverts or bridges: *Provided*, that where, in the opinion of an experienced and competent engineer, insurmountable obstructions make the grades of four feet in one hundred impracticable, the grade may be increased to six feet in one hundred for distances of less than one hundred feet in any one place; and, *provided, further*, that in places where the roadway must be blasted out in hard rock the width of said roadway shall not be less than twelve feet.

SEC. 9. That for the purpose of carrying out the provisions of this act, the said superintendent and supervisors are hereby authorized to enter upon any uncultivated lands or improved lands unencumbered by crops, near to or adjoining such roads, to cut and carry away timber, except trees or groves on improved lands planted or left for ornament or shade, to dig or cause to be dug and carried away any gravel, sand or stone, which may be necessary to construct, improve or repair said road, and to enter on any lands adjoining or lying near the road in order to make such drains or ditches through the same as he may deem necessary for the betterment of the road, doing as little injury to said lands and the timber or improvements

Court to assign convicts to road work.

Proviso:
Convicts guilty of specified crimes not to be assigned.

Roads to be surveyed and located.

Pay of engineer and assistants.

Grade and width of road.

How roads drained.

Proviso:
Variation of grade in certain cases.

Proviso:
Width may be lessened in certain cases.

Power of superintendent and supervisors in entering on lands and taking road material.

Power to enter on lands for drains and ditches.

How drains and ditches constructed.

Penalty for obstructing drains and ditches.

Penalty applied to road fund.

How damages taken assessed.

Right of appeal.

Power of superintendent to relocate road.

How damage for land taken for right of way assessed.

Right of appeal to county commissioners.

Appeal from county commissioners to Superior court.

thereon as the nature of the case and the public good will permit, and the drains and ditches so made shall be conducted to the nearest ditch, water course or waste ground, and shall be kept open by the said superintendent or supervisors, and shall not be obstructed by the owner or occupant of such lands or any other person or persons, under the penalty of forfeiting a sum not exceeding ten dollars or imprisonment for not exceeding twenty days for each and every offence, said penalty to be collected by the said superintendent or supervisor, and paid over to the county treasurer, and applied to the road fund of the county.

If the owner of any lands, or the agent or agents of such owner, having in charge lands from which timber, stone or gravel were taken as aforesaid, shall present an account of the same, through the county road superintendent, at any regular meeting of the county commissioners within thirty days after the taking and carrying away of such timber, stone or gravel, it shall be the duty of said commissioner, to pay for the same such sum as may be agreed upon by them, or by an impartial jury of three freeholders, one to be selected by the county superintendent of roads, one by the party claiming damages, and the third to be selected by these two, with the right of either party to appeal as provided for in section eleven of this act.

SEC. 10. That, subject to the approval of the board of county commissioners, the county superintendent of roads is hereby given discretionary power, with aid of a competent engineer, to relocate or change any part of any public road where, in his judgment, such relocation or change will prove advantageous to public travel. That when any person or persons on whose lands the new road or part of road is to be located claims damages therefor, and within thirty days petitions the board of county commissioners for a jury to assess the damages, the said commissioners, within not less than fifteen nor more than sixty days after the completion of said road, shall order said jury to be summoned as provided by law in section two thousand and twenty three (2023) of *The Code*, and the said jury, in considering the question of damages, shall also take into consideration the benefits to the owner of the land, and if said benefits be considered equal to or greater than the damages inflicted, the jury shall so declare.

SEC. 11. That in case either of the two interested parties shall be dissatisfied with the finding of the juries provided for in sections nine and ten of this act, such dissatisfied party may appeal from the decision of said jury to the county commissioners, and if dissatisfied with their decision may in turn appeal to the

superior court of the county of Alamance: *Provided, however,* that said appeal may be taken from the judgment of the board of commissioners by either party, and the same shall be heard "*de novo*": *Provided, further,* that the party to whom damages are awarded shall recover no more costs than a sum equal to the amount of damages so awarded.

Proviso:
Case on appeal to
be heard *de novo*.

SEC. 12. That any officer or employee appointed by virtue of this act, or to whom duties are assigned in this act, who shall fail to make complete returns within the time prescribed therein, or who shall otherwise fail to discharge the duties imposed upon him by this act, shall, in all cases where penalties for such failure are not provided in this act, be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than five hundred dollars (\$500.00), or imprisonment not more than four months, at the discretion of the court.

Proviso:
Costs recovered
limited to
amount of dam-
ages.

Neglect of any
duty by any offi-
cer a misde-
meanor.

Penalty.

SEC. 13. That all laws and parts of laws in conflict with act are hereby repealed.

SEC. 14. This act shall be in force from and after its ratification.

Ratified the 9th day of March, A. D. 1897.

CHAPTER 534.

An act for the relief of J. M. Cartwright, ex-sheriff of Camden county.

The General Assembly of North Carolina do enact:

SECTION 1. That ex-sheriff J. M. Cartwright of Camden county is hereby authorized and empowered to collect arrearage of taxes for the years 1891, 1892, and 1893, and he shall not be entitled to any fee for the collection of the same, and shall have only 1897 in which to collect said taxes.

Authorized to
collect arrears of
taxes for years
specified.

Not entitled to
fee for collection
and power lim-
ited to year 1897.
Persons making
oath of payment
released.

SEC. 2. That any person who shall make oath before a justice of the peace, that he has paid said tax, shall be released from further paying the same.

SEC. 3. That W. S. Bartlett, sheriff of said county is hereby authorized to collect the taxes for the years of 1894, 1895 and 1896, according to existing law.

Present sheriff
authorized to
collect arrears
for years spec-
ified.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 535.

An act in relation to the college of agricultural and mechanic arts, located at Raleigh.

The General Assembly of North Carolina do enact :

Appropriation
for new boiler
and hospital.

SECTION 1. That the sum of five thousand dollars is hereby appropriated for the purpose of putting a new boiler and to erect a hospital at the college of agricultural and mechanic arts, situated at Raleigh.

How appropri-
ation paid.

SEC. 2. One-half of the sum appropriated by section one of this act shall be paid during the year 1897, and the other half during the year 1898, as other appropriations are paid to said college.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 536.

An act in relation to the Croatan normal school in Robeson county.

The General Assembly of North Carolina do enact :

Appropriation to
school from gen-
eral school fund.

SECTION 1. That there shall be placed to the credit of the Croatan normal school of Robeson county out of the general educational fund in the hands of the state treasurer, the sum of two hundred and eighty-one $\frac{25}{100}$ dollars, being the unexpended appropriation for the year 1895; and the treasurer is hereby authorized to pay Prof. P. B. Hiden, upon the approval of his claim by the board of trustees and the commissioners of Robeson county, out of the above \$281 $\frac{25}{100}$, the sum of forty (\$40) dollars for services heretofore rendered in 1896.

Treasurer
authorized to
pay Prof. P. B.
Hiden for ser-
vices previously
rendered.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 537.

An act for the relief of Jno. K. Hughes, sheriff and tax-collector of Orange county.*The General Assembly of North Carolina do enact:*

SECTION 1. That Jno. K. Hughes, sheriff of Orange county, be and is hereby authorized to collect the arrears of taxes due him and the county for the years of 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), one thousand eight hundred and ninety-five (1895), under the rules and regulations prescribed by law for the collection of taxes.

Authorized to collect arrears of taxes for years specified.

SEC. 2. That the authority hereby given to collect arrears of taxes shall cease and determine on the 1st day of January, eighteen hundred and ninety-nine (1899).

When authority to cease.

SEC. 3. That no person shall be compelled to pay any tax under this act who holds a receipt in full for the years named in section 1st of this act, or who shall make an affidavit before any one authorized to administer oaths that the same tax has been paid.

Persons holding receipt or making affidavit of payment not compelled to pay.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 538.

An act to empower the state board of education to complete the quaker bridge road in the counties of Jones and Onslow.

WHEREAS, The General Assembly of North Carolina, session of 1879, eighteen hundred and seventy-nine, passed an act entitled "an act to provide for the laying off of a road from Quaker Bridge in Jones county to a point near Tar Landing in Onslow county," a distance of about twenty and one-half (20½) miles, and provided for special commissioners to supervise the construction of said road, and provided twenty-five (25) convicts to be worked on said road, said convicts to be fed, clothed, sheltered, quartered and have medical treatment, all at the expense of the boards of commissioners of said counties of Jones and Onslow; and,

Preamble.

Preamble.

WHEREAS, By subsequent act of General Assembly of North Carolina, said act of 1879, chapter 260, was so amended as to require the state to feed, clothing, shelter, guard and furnish medical treatment to said convicts while employed in working on said road without cost to said counties of Jones and Onslow; and,

Preamble.

WHEREAS, Pursuant to said act of 1879, chapter 260, as subsequently amended, the state of North Carolina proceeded to lay off and construct the aforesaid Quaker Bridge road, passing through the public lands (belonging to the school fund) in the counties of Jones and Onslow, and in the construction of said road expended about twenty (20) thousand dollars, which road if completed would have greatly enhanced the value of said public lands; and,

Preamble.

WHEREAS, Said convicts were removed from the work on said road before it was completed, leaving unfinished and incomplete about one and one-half ($1\frac{1}{2}$) miles of said twenty and one-half ($20\frac{1}{2}$) miles of said road, which leaves the road practically worthless to the travelling public, and renders the work heretofore done of little or no value in enhancing the value of the state's lands.

Preamble.

WHEREAS, By a small additional expenditure by the state the work heretofore done, which is now comparatively lost, will be saved in the state, and the public lands greatly enhanced in value, and the school fund thereby increased; now, therefore,

The General Assembly of North Carolina do enact:

Board of education authorized to complete construction of Quaker Bridge road.

SECTION 1. That the board of education of North Carolina be and they are hereby authorized and empowered to complete the construction of said Quaker Bridge road as originally contemplated by the above recited act of the session of one thousand eight hundred and seventy-nine (1879), chapter 260, and the subsequent act amendatory thereof, by furnishing, in accordance with said act of 1879, chapter 260 as amended, twenty-five (25) convicts or more, in their discretion, to be fed, clothed, sheltered and guarded by the state, to be employed in working on said Quaker Bridge road until the said road shall have been completed.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 539.

An act to require the county commissioners in the state to meet on the 1st Monday of June of each year and revise the jury list.

The General Assembly of North Carolina do enact:

SECTION 1. That section 1722 of *The Code* of North Carolina be and the same is hereby amended by striking out the word "September" in line two of said section and insert the word "June" in lieu thereof. Jurors to be selected in June.

SEC. 2. That section 1725 of *The Code* be and the same is hereby amended by striking out the word "September" in lines one and two of said section and insert the word "June" in lieu thereof. Jury lists examined in June.

SEC. 3. That chapter 559 of the laws of 1889 be and the same is hereby repealed. Act regulating drawing of jury and revision of jury lists.

SEC. 4. That chapter 96 of the laws of 1891 be and the same is hereby repealed. Act curing irregularities in revision of jury list repealed.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 540.

An act for the relief of W. H. Burwell of Caswell county.

The General Assembly of North Carolina do enact:

SECTION 1. That the treasurer of Caswell county is hereby directed to pay to W. H. Burwell the sum of twenty-seven dollars and ninety cents ($27\frac{90}{100}$) for services rendered as teacher in the public schools in district No. 19 and 27 in the county of Caswell. Treasurer of Caswell county to pay for services rendered as teacher.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 541.

An act to levy a special tax in the stock law territory of Nash county.*The General Assembly of North Carolina do enact:*

County commis-
sioners author-
ized to levy spec-
ial tax on prop-
erty in stock law
territory.

Rate.

Boundaries.

SECTION 1. The county commissioners of Nash county are authorized, in their discretion, to levy a special tax for the purpose of paying for the fence surrounding the territory described as follows, and which has been adopted by a vote of the inhabitants, the operations of the stock law, of not exceeding one dollar upon the one hundred dollars (\$100.00) worth of real estate, situated within the boundaries, viz.: Beginning at the Hilliardston stock law fence near Tobe Freeman's house (south of his house), thence along Freeman's line to the Hilliardston road, thence across the road and up the the road on the south side to Sam Harrison's corner, thence south along Harrison's and T. H. Drake's line to Mrs. Mary Drake's line, thence west to the Warrenton road and across the road to the back of her field, thence south to the Castolia road, thence down said road to the Warrenton road, thence across and down said road to John Walker's corner, thence east to Bass's line, thence north along where the fence is now built to the road, thence down the road in an easterly direction to Moore's corner, thence north around Moore's land to the Hilliardston road, thence across and up the road to Jones' line, thence along Jones', Tisdale's and Arrington's line to the old stock law fence near W. M. York's, being a part of Griffins and Nashville townships, Nash county.

Taxes levied and
collected as
other taxes.

How applied.

How fence kept
up.

That the taxes levied under the provisions of this act shall be collected by the sheriff of Nash county as other taxes are collected, and shall be applied by the said county commissioners to payment of the above-described fence, and when said fence shall have been paid for it shall hereafter be kept up by an assessment under the general law upon the lands of all the persons residing in the stock law territory in Nash county, both within the above-mentioned boundaries and the contiguous stock law territory.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 542.

An act to create one other voting precinct in number twelve township, Edgecombe county.*The General Assembly do enact:*

SECTION 1. That the clerk of superior court for Edgecombe county shall divide township number twelve into two voting precincts, in compliance with section five, election laws of one thousand eight hundred and ninety-five, after the following manner: Beginning at the line of number eleven township, on Tarboro branch railroad; thence up said railroad west to Hargrove's crossing on said road; thence up "Cokey road" to Gavey's cross road in the town of Rocky Mount; thence out Tarboro street west to Wilmington and Weldon railroad.

Clerk to divide township into two voting precincts.

Dividing line.

SEC. 2. That the polling precinct north of said branch railroad shall be styled precinct number one of township number twelve, with its polling place at or near Gavey's cross roads in the town of Rocky Mount, N. C.

Precinct No. 1.

Polling place.

SEC. 3. That the polling precinct lying south of said branch railroad, and crosses said branch railroad at Hargrove's cross road, shall be styled precinct number two of township number twelve.

Precinct No. 2.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 543.

An act for the protection of educational and other institution.*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any member of any board of directors, board of managers or board of trustees of any of the educational, charitable, eleemosynary or penal institutions of the state, or any member of any board of education, or any county or district superintendent of schools, or examiner of teachers, or any school trustee of any school or other institution supported in whole or in part from any of the public funds of the state, or any officer, agent, manager, teacher or employee of any said boards, to have any pecuniary interest, either directly or indirectly, proximately or remotely, in supplying any goods, wares or merchandise of any nature or kind whatsoever to any of said institutions or schools.

Unlawful for any officer or employee of any institution supported wholly or in part by public funds to have any pecuniary interest in supplying any such institution.

No officer or employee to act as agent for any article to be used by any such institution.

No officer or employee to receive anything for recommending or procuring the use of any article by any such institution.

Persons violating act removed from position and deemed guilty of a misdemeanor.
Penalty.

Nor shall any of said officers, agents, manager, teachers or employees of said institutions or schools or state or county officers act as agent for any manufacturer, merchant, dealer, publisher or author for any article of merchandise to be used by any of said institutions or school, nor shall they receive, directly or indirectly, any gift, emolument, reward or promise of reward, for their influence in recommending or procuring the use of any manufactured article, goods, wares or merchandise of any nature or kind whatsoever for any of said institutions or schools.

Any person violating the provision of this act shall be forthwith removed from his position in the public service, and shall, upon conviction, be deemed guilty of a misdemeanor, and fined not less than fifty (\$50.00) dollars, nor more than five (\$500) hundred dollars, and be imprisoned in the discretion of the court.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 544.

An act relating to the management of convicts in Cabarrus county.

The General Assembly of North Carolina do enact :

Sheriff and county commissioners not liable as for an escape in certain cases.

SECTION 1. That section two of chapter three hundred and fifty-five of laws of North Carolina, enacted by the General Assembly of one thousand eight hundred and eighty-seven, be amended by adding thereto the following, viz.:

Special privileges may be granted to convicts deemed worthy of trust.
Provido:
Convict have not more than six months time left to serve.
Striking shackles or chains from convicts without order a misdemeanor.
Penalty.

“But nothing herein contained shall be construed to render any county commissioner or sheriff liable as for an escape in the event that any person sentenced to be worked upon the public roads shall be allowed the privilege of remaining unshackled or of going beyond the call of the guards; and it shall be lawful for said commissioners to grant special privileges to such convicts as they may deem worthy of trust: *Provided, always,* that such persons shall not have more than six months' of his sentence to serve on said public roads. Any superintendent of convicts, guard or other person who shall strike the shackles or chains from any convict, without a written order from the board of county commissioners, shall be deemed guilty of a misdemeanor, and fined not exceeding \$50, or imprisoned not exceeding 30 days, and any superintendent, guard or other person who

shall permit or assist any convict to escape or to leave the convict camp, except in the discharge of duties imposed upon him in connection with his work as a convict, shall be guilty of a misdemeanor, and fined not exceeding \$50, or imprisoned not exceeding 30 days: *Provided*, that this act shall apply only to the county of Cabarrus.”

Permitting or assisting convict to escape a misdemeanor.

Penalty.

SEC. 2. That all laws or 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 9th day of March, A. D. 1897.

CHAPTER 545.

An act to amend chapter 343 of laws, 1891.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter three hundred and forty-three (343) of the laws of eighteen hundred and ninety-one (1891) be, and the same is hereby amended as follows: By striking out the word “fifty” in line three of section three, and insert in lieu thereof the words “twenty-five,” and by striking out all of section six after the word “act” in line six.

Tax on property in stock law territory reduced.

Exemption of Z. J. Lemay stricken out,

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 546.

An act for the relief of S. J. Greenwood, ex-sheriff of Wilkes county.

The General Assembly of North Carolina do enact :

SECTION 1. That S. J. Greenwood, ex-sheriff of Wilkes county, North Carolina, is empowered to collect all taxes due him for the year, 1889, 1890, 1891 and 1892, 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.

Authorized to collect for years specified.

SEC. 2. *Provided*, that no person shall be compelled to pay any tax under the provisions of this act, who shall make oath

Persons making oath of payment not compelled to pay.

When powers to
cease.

before any one authorized by law to administer oaths, he or she has paid the same, and the powers and authority hereby granted to said ex sheriff shall cease and be at an end on the 1st day of January, 1899.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 547.

An act authorizing the payment of a school claim in Moore county.

The General Assembly of North Carolina do enact:

Treasurer of
Moore county
authorized to
pay claim of W.
A. Cockran for
teaching school
and costs of pro-
ceeding for col-
lection of claim.

SECTION 1. That the treasurer of Moore county be and is hereby authorized to pay W. A. Cockran the sum of seventy-six and $\frac{35}{100}$ (\$76. $\frac{35}{100}$) dollars, and all costs that have accrued in a proceeding for a mandamus in the superior court of Moore county, brought by said W. A. Cockran against the school committee of white district No. 14, in Moore county, out of any public school funds in his hands, or that may come into his hands, for said school district No. 14, and if a sufficient sum does not come into the hands of said treasurer in the year 1897, for said district to pay said claim and the above costs in full, then the said treasurer is authorized and directed to pay any deficiency out of any school funds that may come into his hands for school expenses in said county. The above claims being for services rendered in teaching a public school in said school district No. 14, during the year 1893.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 548.

An act for the relief of Wm. M. Lee of Wilkes county.

The General Assembly of North Carolina do enact:

Treasurer to
pay balance due
for teaching
school.

SECTION 1. That the treasurer of Wilkes county is hereby authorized, empowered and required to pay Wm. M. Lee the sum of eight (\$8.00), dollars the balance due him as teacher of the public school in District No. 77, white race, in the year 1896, out of the money due said district in 1897: *Provided*, the said Wm. M. Lee shall procure an order on said treasurer from the committee of District No. 77.

Proviso:
Order from
school com-
mittee.

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

Ratified the 9th day of March, A. D. 1895.

CHAPTER 549.

An act to lay off and establish a public road in Wilkes county,
North Carolina, in Love Lace township.

The General Assembly of North Carolina do enact :

SECTION 1. That E. M. Feltz, R. R. Bell and Oliver Moore of Wilkes county are hereby appointed commissioners, who are hereby authorized and empowered to review, locate and establish a public road leading from Hallor's school house out by way of Lewis church, connecting with the old Salisbury road in Love Lace township, Wilkes county, North Carolina, locating and laying off the same over the most practical and convenient route between the two points.

Commissioners
appointed to
establish road.

Route.

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 damage they may assess shall be paid by the county.

Reports filed
with county
commissioners.

Damages.

SEC. 3. That the board of county commissioners of Wilkes county shall order the hands subject to road duty within two miles from said road in Wilkes county.

Duty of county
commissioners.

SEC. 4. That said road shall be laid off and made according to the provisions of this act within two years from the ratification of this act.

Road to be laid
off and made in
two years.

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.

Penalty for fail-
ure or refusal to
work on road.

SEC. 6. That said road, to be constructed by authority of this act, shall be twelve feet wide and clear of stumps and runners.

Description of
road.

SEC. 7. That when said 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 their duty to turn the same over to the township supervisors of Love Lace township in Wilkes county.

Completion of
road reported to
county commis-
sioners.
Road if accepted
turned over
to supervisors.

SEC. 8. That this act shall be in force from and after its ratification.

Ratified the 9th day of March, A. D. 1897.

CHAPTER 550.

An act to amend chapter 162, laws of 1895.

The General Assembly of North Carolina do enact :

Sturgeon nets as described allowed at all times.

SECTION 1. That chapter one hundred and sixty-two (162) be and the same is hereby amended so as not to prohibit the using of sturgeon nets of six inch box, of twelve inch (12 in.) mesh and larger, in any of the waters of Pamlico and Tar rivers, at any season of the year.

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 9th day of March, A. D. 1897.

CHAPTER 551.

An act to establish Hudson township in Caldwell county.

The General Assembly of North Carolina do enact :

Township established. Name. Boundaries.

SECTION 1. That a township be established in Caldwell county called Hudson.

SEC. 2. That the boundaries of said township shall be as follows : Beginning at Conley's mill and running with the creek to bridge on Icard road ; thence with said road to J. B. Bushe's ; thence by foot of Caiger's mountain to W. L. Evans' ; thence by J. A. Turnmire's, Nat. Meecham's and Jack Bumgarner's to mouth of lower branch ; thence by J. T. Spencer's to top of Lick mountain at Joe Hartley's ; thence with Taylorsville road to Mt. Hermon church ; thence with Ridge and Ridge road by Dock Sullivan's to the beginning.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 552.

An act for the relief of the town of Lexington and the townships of Lexington and Cotton Grove in the county of Davidson.

Preamble.

WHEREAS, on the 14th day of December, A. D. 1891, the town of Lexington in the county of Davidson voted to subscribe eleven thousand dollars to the capital stock of the Roanoke and Southern railway company's under and by virtue of chapter 87 of the laws of 1887, and of chapter 95 of the laws of 1889, amendatory thereof; and,

WHEREAS, the township of Lexington voted the sum of forty-four thousand dollars to said capital stock, and the township of Cotton Grove in said county voted the sum of twelve thousand dollars to said stock; and,

WHEREAS, the said subscriptions were voted by said town and townships upon the idea and assurance that the said railway would be speedily built and completed to the town of Lexington, North Carolina, and would pass through the townships of Lexington and Cotton Grove in Davidson county, said state; and,

WHEREAS, since the voting of said subscription nothing has been done toward building and completing said railway; now, therefore,

The General Assembly of North Carolina do enact :

SECTION. 1. That no bonds shall be issued by the commissioners under the said act to the Roanoke and Southern railway, and the said subscriptions voted by the said town and townships are hereby declared to be null and void, and the said town and townships are hereby absolved from all liability therefor.

No bonds to be issued for subscriptions heretofore voted. Subscriptions declared void. Town and townships absolved from liability.

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 9th day of March, A. D. 1897.

CHAPTER 553.

An act to fix the fees of the treasurer of Harnett county.

The General Assembly of North Carolina do enact :

SECTION 1. That the treasurer of Harnett county be allowed the following commissions in full of all services, to-wit :

Commissions allowed treasurer.

On all receipts, both county and school, the sum of one per centum on all disbursements, county and school, two and $\frac{1}{2}$ per centum.

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

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 554.

An act to allow the commissioners of Jackson county to levy a special tax.*The General Assembly of North Carolina do enact :*Special tax
authorized.

SECTION 1. That the board of county commissioners of Jackson county are hereby authorized and empowered, if in their judgment they may deem it best to do so, to levy a special tax, not to exceed five hundred (500) dollars for the purpose of grading and constructing a road up the Cullowhee mountain, on such part of the said mountain as the said board of commissioners may deem best. Said road to be of the width of sixteen (16) feet, and clear of all obstructions, and the best grade possible.

Amount.

Purpose.

Description of
road.

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

Ratified the 9th day of March, A D. 1897.

CHAPTER 555.

An act to prohibit stock from running at large upon certain lands in Hertford township, Perquimans county.*The General Assembly of North Carolina do enact :*Territory subject
to operation of
act.

SECTION 1. That all that portion of Hertford township, Perquimans county, embraced within the following boundaries, is hereby declared to be subject to the operation of this act, viz. :

Boundaries.

Beginning on the south side of Perquimans river, at a point on said river above Copeland's landing, and running thence various courses in a southerly and easterly direction to a point on Castleton or Skinner's creek in such a manner as to include the lands wholly or partially, of C. W. Wood, E. E. Everet, T. B. Walters, R. B. Thatch, Wm. R. Shannonhouse, J. Elmer White, Dr. David Cox, Mrs. I. G. Granbery.

Unlawful for
stock to roam at
large in territory
after 1st January
1898.

SEC. 2. That from and after the first day of January, A. D. 1898, it shall be unlawful for any stock to run at large upon any of the aforesaid lands included within the above described boundaries, and any person wilfully violating this act shall be guilty of a misdemeanor.

Violation of act
a misdemeanor.Right of persons
cultivating crops
in territory to
take up stock
and use same.

SEC. 3. That any person cultivating any crop or crops upon any of the aforesaid lands within the aforesaid boundaries (whether said crop or crops be then growing or matured) whose crop or crops shall be injured by any live stock running

at large within the foregoing territory, may take up said stock and impound the same with a right to use it under proper care, until all damages occasioned by said stock running at large shall have been paid.

In all cases where disputes may arise concerning damages so caused, the same may be determined as upon arbitration and award.

Damages determined as upon arbitration.

SEC. 4. That the board of commissioners of the aforesaid county shall have the power to levy such special taxes as may be necessary to construct a proper fence around said lands and to keep the same in repair and said commissioners shall designate where all gates across the public roads leading to the aforesaid lands shall be located.

County commissioners to levy special fence tax and locate gates.

SEC. 5. That in all cases where disputes may arise concerning the amount of taxes to be levied for building and keeping in repair the said fence, the same may be determined by the said board of commissioners upon petition of any owner of any of the aforesaid lands.

Amount of taxes to be settled by county commissioners on petition of land-owners.

SEC. 6. That said taxes shall be collected and accounted for by the sheriff or tax collector of said county in the same manner and under the same penalties as prescribed for collection of other taxes in said county, and shall be paid out upon order of said board as county taxes are paid out.

Taxes to be collected, accounted for and paid out as other taxes.

SEC. 7. That this act shall be in force from and after the aforesaid first day of January, A. D. 1898.

When act to take effect.

Ratified the 9th day of March, A. D. 1897.

CHAPTER 556.

An act for the relief of D. W. Lee 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 D. W. Lee the sum of twelve dollars, \$12.00, the balance due him as teacher of the public school in district number 35, white race, for the year 1896, out of the money due district number 35 for the year 1897: "Provided," the said D. W. Lee shall procure an order on said treasurer from the committee of district number 35.

Treasurer of Wilkes county to pay balance for teaching school.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 557.

An act to amend chapter 121 of the laws of 1895.

The General Assembly of North Carolina do enact :

Time for col-
lection of taxes
in Davidson
county extended.

SECTION 1. That section 3 of chapter 121 of the laws of 1895, be amended by extending the time therein mentioned for ninety days, so that said section, as amended, shall read as follows : That the authority hereby given to collect the said arrears of taxes shall cease and determine two years and ninety days from the 2d day of March, 1895.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 558.

An act for the protection of partridges and mocking birds and the forbidding hunting by non-residents in Camden county.

The General Assembly of North Carolina do enact :

Killing of par-
tridges from 1st
March to 15th
October forbid-
den in Camden
county.

Killing of mock-
ing birds forbid-
den at all times.
Non-residents
forbidden to
hunt birds or
wild fowl.
Violation of act
a misdemeanor.

Penalty.

SECTION 1. That all persons are forbidden to kill or otherwise destroy partridges in the county of Camden from the first day of March and the fifteenth day of October, and the killing or otherwise destroying mocking birds is forbidden at any time of the year.

SEC. 2. That non-resident persons of the state are forbidden to hunt birds or other wild fowls in said county.

SEC. 3. That all persons violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisonment not exceeding thirty days.

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

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

Ratified the 9th day of March, A. D. 1897.

RESOLUTIONS

OF THE

GENERAL ASSEMBLY,

SESSION 1897.

Resolution in relation to index books.

Resolved by the House of Representatives of the General Assembly of North Carolina, the Senate concurring:

That the state printers be required forthwith to furnish the principal clerks of the senate and house of representatives an index book, alphabetically arranged, so that the said clerks shall have an index of the names of all the senators and representatives, and a page for each, to show the numbers and what bills they have introduced, what readings passed, and to what committee referred, what report thereon if any was made, whether tabled, the date of the passage of each reading of the bills, and the final disposition of each bill. The said clerks shall thus keep an accurate list of all such members and bills so that the same may readily be located. No clerk shall allow any one not connected with the general assembly and not having the right to do so, to take or handle any bill, except the member who introduced the same or the chairman of the committee to which it was referred, and then only by taking a receipt and date, of the member or chairman so taking said bill.

Until the state printers shall furnish such books, the said clerks are directed to provide a temporary book for each house, the senate and house, or so keep the record of the bills as above outlined and to transfer the same on the index books when furnished.

That a copy of this resolution be furnished the state printers at once.

Ratified the 12th day of January, A. D. 1897.

State printers to furnish books.

Clerks to keep list of bills.

Bills not to be handled except by introducer and chairman of committee to which referred.

Temporary books to be used.

Copy to be furnished printers.

A joint resolution in relation to appointing a committee of investigation in regard to charges on the election of United States Senator.

Preamble.

WHEREAS, the election of a United States Senator to represent the state in the Senate of the United States is a matter of the very highest concern to the people and is a duty devolving upon this general assembly; and,

WHEREAS, it is publicly and openly charged that bribery and corruption in relation to said election have been and are being made to members of this general assembly to influence said election; now therefore to the end that said charges may be fully investigated

Resolved by the Senate, the House of Representatives concurring:

Joint committee to investigate charges.

That a special committee consisting of two on the part of the senate and three on the part of the house of Representatives be appointed by the president of the senate and speaker of the house, respectively to investigate and report at the earliest convenience the facts in relation to said charges.

Empowered to administer oaths and compel attendance.

Resolved, further, that said committee be and they are hereby authorized and empowered to administer oaths, compel attendance of witnesses and send for persons and papers.

Ratified the 14th day of January, A. D. 1897.

Joint resolution to adjourn in honor of Robert E. Lee.

Resolved by the House of Representatives, the Senate concurring:

General Assembly to adjourn 19th January in honor of Robert E. Lee.

That when the house and senate adjourn to-morrow, the 19th day of January, 1897, they adjourn in honor of General Robert E. Lee as a fitting memorial to his life and character.

Ratified the 20th day of January, A. D. 1897.

To display the national flag from the capitol.

Resolved by the House, the Senate concurring:

National flag to be displayed from dome when either branch in session.

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 22d day of January, A. D. 1897.

Joint resolution for appointing a joint committee on elections and county government.

Resolved by the Senate, the House of Representatives concurring :

That the president of the Senate is directed to appoint a committee of five and the speaker of the House of Representatives a committee of eight, which shall constitute the joint committee to consider amendments to the election law, and the law governing county government.

Joint committee to consider amendments to election and county government law.

Ratified the 26th day of January, A. D. 1897.

Joint resolution inviting the Hon. J. L. M. Curry to address the General Assembly on Monday, January 25th, 1897, at 12 o'clock.

Resolved by the Senate, the House of Representatives concurring :

That the Hon. J. L. M. Curry, treasurer of the Peabody educational fund, be invited to address the General Assembly on Monday, January 25th, at 12 o'clock in the House of Representatives.

Hon. J. L. M. Curry invited to address general assembly.

Ratified the 26th day of January, A. D. 1897.

Resolution looking to the reduction of salaries, &c.

Resolved by the House of Representatives, the Senate concurring :

That a committee of five be appointed, three from the House and two from the Senate, whose duty it shall be to investigate and ascertain the salaries now received by all the state officers, and all the salaries of the officers of the state institutions, with a view of reducing the same so as to conform to the existing prices of farm products.

Committee raised to ascertain salaries of state officers with the view of reducing same.

Ratified the 29th day of January, A. D. 1897.

Resolution in favor of James Whitaker for carpenter's work on the House of Representatives.

Resolved by the House of Representatives, the Senate concurring :

That the state treasurer be, and he is authorized, upon the warrant of the auditor of state, to pay to James Whitaker five dollars for carpenter's work done in the chief clerk's room of the house of representatives.

Allowed \$5 for carpenter work.

Ratified the 2nd day of February, A. D. 1897.

Joint resolution requesting Hon. Ray Stone, U. S. Department Agriculture, to address the General Assembly on the subject of good roads.

Resolved by the Senate, the House of Representatives concurring:

Hon. Ray Stone requested to address general assembly.

That the honorable Ray Stone, director of road inquiry, U. S. department of agriculture, be, and he is hereby requested to address the General Assembly of North Carolina in joint session on the subject of good roads at eight o'clock P. M. Friday, February 5, 1897.

Ratified the 29th day of January, A. D. 1897.

Resolution in relation to the duties of the enrolling and engrossing clerks.

Preamble.

WHEREAS, the greatest danger of fraud, mistake or oversight lies in the rush of business at the close or the expiring days of the session by the accumulation of work in the ratification of bills into laws ; therefore,

Resolved by the House of Representatives, the Senate concurring :

Engrossing and enrolling clerks to keep work fully up.

Bills passed to be presented every Monday.

Committees to supervise work.

To report.

Bills may be ratified at any time.

That it shall be the duty, and is hereby made such, for the engrossing and enrolling clerks of both branches of the general assembly to keep their work fully up, and that the bills passed shall be engrossed and enrolled and presented to the presiding officers of each branch on the Monday and each and every Monday following the week previous, so as to reduce the possibility of fraud, mistake or error to the lowest possible degree, and the committees on engrossed and enrolled bills are hereby instructed to so supervise the work of the said engrossing and enrolling clerks that the object of this resolution may be carried out in its spirit, meaning and intent, and to report to the senate and house any negligence, inattention or laches, which they may see either of the said clerks or their assistants or helpers guilty of ;

Provided, that nothing herein contained shall preclude the presiding officers of each house of the general assembly from ratifying any bill at any time.

Ratified the 2d day of February, A. D. 1897.

A resolution to pay for post office box.

Resolved by the Senate, the House of Representatives concurring:

That the treasurer, upon the warrant of the auditor, pay H. E. King, principal clerk of the senate, one dollar and fifty cents, on account of post office box rent for the use of the senate.

Treasurer to pay \$1.50 for box rent for senate.

Ratified the 5th day of February, A. D. 1897.

Resolution to print copies of the North Carolina railroad leases.

Resolved by the House of Representatives, the Senate concurring:

That a committee of three be appointed, two by the speaker of the house and one by the President of the Senate, to obtain and furnish to the public printers, authentic copies of two leases that have been made of the North Carolina railroad, one to the Richmond and Danville R. R. Co., and the other to the Southern R. R. Co. Copies of said leases are to be printed by the public printers to the number of two hundred and fifty (250), one copy to be furnished to each member of the House and Senate at as an early a date as possible. The remaining copies are to be placed at the disposal of the governor of the state.

Leases of North Carolina railroad to be printed.

Two hundred and fifty copies.

Ratified the 5th day of February, A. D. 1897.

Resolution looking to reducing salaries, &c.

Resolved by the Senate, the House of Representatives concurring:

That a committee of five be appointed, two from the senate, and three from the house, whose duty it shall be to investigate and ascertain the salaries now received by all the state officers, and all the salaries of the officers of the state institutions, with a view of reducing the same so as to conform to the existing prices of farm products.

Joint committee to ascertain all salaries with the view of reducing same.

Ratified the 9th day of February, 1897.

Resolution in favor of arbitration treaty pending in the U. S. senate.

Be it resolved by the General Assembly of N. C., both branches concurring:

Reasons
demanding rati-
fication of treaty.

That the interest of progressive civilization, the world's bet-
terment and the amity of nations demand that the "arbitra-
tion treaty" pending in the U. S. senate be ratified.

Senators in-
structed to vote
for ratification.

Therefore the honorable senators from North Carolina are
hereby earnestly and urgently asked and besought to use their
voice and vote for the ratification of said treaty, and that a
copy be sent each of the United States senators from this state.

Copy to be sent
to senators.

Ratified the 10th day of A. D. 1897.

Resolution to pay J. M. Early expenses incurred in a contested election case in the Senate of 1895.

Resolved by the Senate, the House of Representatives concurring:

Treasurer to pay
expenses
incurred in
election contest.

That the treasurer is hereby authorized to pay to J. M. Early,
late a Senator from Bertie county, the sum of one hundred
thirty-one dollars for expenses incurred in the contested
election cases of Early v. Mitchell, in the Senate of 1895.

That this resolution take effect from and after its ratification.

Ratified the 10th day of February, A. D., 1897.

Resolution in favor of Sarah J. Bartlett of Mitchell county.

Resolved by the House of Representatives, the Senate concurring:

Treasurer to pay
pensions for
1895-1896.

That the state treasurer be instructed and directed to pay to
Sarah J. Bartlett of Mitchell county the sum of thirty-two
dollars (\$32.00) out of any monies in the treasury, not other-
wise appropriated, this being the amount of state pension
due her for the years 1895 and 1896, of which she has been
deprived by the neglect or carelessness of others.

Ratified the 10th day of February, A. D. 1897.

Resolution to print Governor Russell's inaugural address.

Be it resolved by the House of Representatives, the Senate concurring:

That one thousand copies of the inaugural address of Governor Russell be printed, and five copies each be distributed to the members of the General Assembly.

One thousand copies to be printed.

Ratified the 10th day of February, A. D. 1897.

Resolution in favor of Catherine McKinney.

WHEREAS, James McKinney, late of the county of Mitchell, was on the pension roll as a third-class pensioner; and,

WHEREAS, the said James McKinney died in 1896, before the auditor's warrant was delivered to the said McKinney, said warrant was returned to the state auditor; therefore,

Be it resolved by the House of Representatives the Senate concurring.

That the state auditor shall draw his warrant for the amount of the warrant sent to the said James McKinney, said auditor's warrant to be drawn in favor of Catherine McKinney, widow of James McKinney.

Warrant to be drawn in favor of widow.

Ratified the 10th day of February, A. D. 1897.

Resolution in favor of certain clerks.

Resolved by the House of Representatives, the Senate concurring:

That the treasurer be and he is hereby authorized and instructed to pay to the following clerks the amount specified for services in tabulating the returns for the election of 1896, viz.: To John Nichols, twenty dollars; to S. L. Crowder, twenty dollars; to A. B. Andrews, Jr., twenty dollars; to W. H. Bragg, twenty dollars; and to R. H. Cowan, eight dollars.

Clerks allowed pay for tabulating election returns.

Ratified the 15th day of February, A. D. 1897.

A resolution in reimburse the sub-committee of the committee on deaf and dumb institutions their actual expenses.

Resolved by the Senate, the House of Representatives concurring:

That the sub-committee of the joint committee on deaf and dumb institutions, who visited the state deaf and dumb insti-

Payment of expenses of sub-committee paid.

tution at Morganton, be paid their actual necessary expenses, as per the annexed accounts, and the treasurer shall pay the same upon the warrant of the auditor out of any moneys in the treasury not otherwise appropriated.

SENATORS.

S. F. Shore.....	\$13.95
R. H. W. Barker.....	14.05
Geo. H. Cannon.....	15.75

REPRESENTATIVES.

L. L. Wrenn.....	\$13.95
E. P. Hauser.....	14.25
P. P. Foster.....	15.65
(All to S. F. Shore.)	_____
Total of joint committee.....	\$87.60

Ratified the 16th day of February, A. D. 1897.

Joint resolution in favor of good roads.

Resolved by the Senate, the House of Representatives concurring:

Committee ap-
pointed to
inspect Mecklen-
burg roads.

That, in order to advance the cause of good roads in North Carolina, a committee consisting of three senators and five representatives be appointed by the presiding officers of each branch of the general assembly to examine the public roads around Charlotte in Mecklenburg county, and to report to the general assembly the result of their investigations.

Ratified the 16th day of February, A. D. 1897.

Resolution for the encouragement of the fine arts.

Preamble.

WHEREAS, the women of Mecklenburg have undertaken to inaugurate the "Women's Exposition of the Carolinas," to be held at Charlotte from May the first to June 1st; and

WHEREAS, it is their intention to gather together a fine art loan collection, and thereby aid in increasing an interest in the fine arts in the Carolinas; and

Preamble.

WHEREAS, it is their intention to gather together a museum of historical portraits and revolutionary, colonial and war records, which shall be of great historical value to the two Carolinas; and

Preamble.

WHEREAS, there shall be incorporated in the exposition, industrial, educational and entertainment features, which shall

be helpful to the state generally, and Mecklenburg and surrounding counties specifically; and

WHEREAS, the women of Mecklenburg assume all financial responsibility in the undertaking; and

WHEREAS, the net proceeds, if any, shall be devoted to a public philanthropy; therefore be it

Resolved by the Senate, the House of Representatives concurring:

That the "Woman's Exposition of the Carolinas," instigated by the "Woman's Auxiliary of the Young Men's Christian Association," managed by the women of Mecklenburg, through an executive committee composed of Miss Sallie E. Whisnant, chairman; Mrs. Minnie Hebb Kellogg, general manager; Mrs. J. W. Miller, secretary; Miss Eva Liddell, treasurer; Mrs. H. C. Jones, Miss Adele Brenizer, Mrs. H. Branch, Mrs. C. C. Kennedy, Mrs. Lucien Walker, Mrs. L. E. Stone, Mrs. Walter Brem, Mrs. J. D. Church, Charlotte; Mrs. John H. Reid, Mt. Mourne; Mrs. R. A. Grier, Steele creek; Miss Hattie Barrett, Matthews; Mrs. J. Walker Kirkpatrick, Sharon; is hereby endorsed by the general assembly of North Carolina, and that the citizens of the state be and hereby are requested to lend the women of Mecklenburg every reasonable assistance in this undertaking, especially in their efforts to secure a comprehensive historical exhibit. Furthermore, be it

Women's exposition endorsed.

Resolved, that the state institutions be, and hereby are, urged to make such exhibits as may be creditable to the state.

Citizens requested to lend assistance.

State institutions urged to make exhibits.

Ratified the 19th day of February, A. D. 1897.

Resolution for relief of George W. Snell of Washington county from peddlers' tax in Washington county.

Resolved by the Senate, the House of Representatives concurring:

That George W. Snell, an aged blind man of Washington county, be and he is hereby exempt from the operations of the revenue act of this state, as a peddler, and is hereby authorized to ply the said vocation of a peddler in the county of Washington only, free from tax therefor.

Authorized to peddle without license.

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

Ratified the 19th day of February, A. D. 1897.

A resolution directing the trustees of the public libraries to distribute the colonial and state records of North Carolina, and how distributed.

Resolved by the House of Representatives of North Carolina, the Senate concurring :

Trustees of public libraries to distribute colonial and state records.

Distributers.

That the trustees of the public libraries are hereby instructed to distribute the colonial and state records of North Carolina as follows : To the governor, treasurer, attorney general, judges of the supreme and superior courts ; secretary of state, auditor, superintendent of public instruction, and to all former occupants of those positions who are still living, the superintendents of the several insane asylums, the deaf and dumb asylums, each clerk of the superior court and to the clerk of the supreme court to be kept in their offices ; to each representative and senator of the General Assembly, and to each senator and representative in congress from North Carolina, one copy each ; to the libraries of the senate and house of representatives, and of the supreme court of this and each of the other states and territories, and to the library of congress, one copy each ; to the libraries of the University, of Davidson college, Trinity college, Elon college and Wake Forest college, one copy each ; and to such other town, city or collegiate libraries in the state, one copy each, also, one copy to Turlington institute, Smithfield, N. C.; and to each of the executive departments at Washington, one copy each, and to all institutes of learning in the state, whether supported in full or in part by the state, and to such graded schools as have libraries, also, one copy be furnished to each of the following institutions of learning : Livingston college, Salisbury ; Shaw university, Raleigh ; Scotia seminary, Concord ; Biddle university, Charlotte ; Kittrells industrial, Kittrells, N. C.; Bennett's college, Greensboro ; normal and industrial, Elizabeth City, N. C.; Guilford college, Whitsett institute, Lutheran college, Cabarrus county ; Trinity academy at Pilot Mountain, and to the academy at Mount Airy, Statesville female college, Yadkinville normal school ; to each of the state colored normal schools, and any other college chartered under the laws of North Carolina : "*Provided*," that this shall not apply to ordinary district public schools ; also, that one copy be furnished to the widow of the late General Bryan Grimes.

Proviso :
District schools
not included.

Ratified the — day of February, A. D. 1897.

A resolution to pay Miss Flora Creech for taking down in shorthand and typewriting testimony before special committee to investigate conduct of A. L. Swinson, enrolling clerk.

Resolved by the Senate, the House of Representatives concurring:

SECTION 1. That Miss Flora Creech be allowed twelve dollars for services in taking and typewriting the testimony before special committee appointed to investigate conduct of A. L. Swinson, enrolling clerk, and the auditor is hereby directed to draw his warrant on the treasurer of the state in her favor for the same, and the treasurer is hereby directed to pay said warrant out of any moneys not otherwise appropriated.

Paid for taking testimony before special committee.

Ratified the 1st day of March, A. D. 1897.

Joint resolution to defray expenses of sub-committee of insane asylum.

Resolved by the House, the Senate concurring:

That the auditor shall audit and the state treasurer shall pay as follows:

Expenses of visit to Insane Asylum paid,

To Dr. B. F. Dixon.....	\$3.10.
To S. A. White.....	3.35.
To M. M. Peace.....	4.10.

to defray actual expenses for visit and inspection of the Goldsboro insane asylum as a sub committee; also—

To Cicero Johnson of Sampson county.....	\$16.40.
To J. H. Pearson of Burke county.....	16.40.
To J. H. Parker of Perquimans county.....	16.40.
To T. H. Rountree of Gates county.....	16.40.

And to

Senator Hyatt.....	16.40.
Senator Wakefield.....	16.40.

the same being the senate and house branch sub-committee to visit and inspect the Morganton and Goldsboro insane asylums.

Ratified the 23d day of February, A. D. 1897.

A resolution to pay Alfred Williams and company the sum of forty-five dollars and five cents.

Resolved by the House of Representatives, the Senate concurring:

That the treasurer of the state be directed to pay to Alfred Williams and Company the sum of forty-five dollars and five cents (\$45.05), as is shown by bill attached:

RALEIGH, Feb'y 1, 1897.

ALFRED WILLIAMS & CO.,

SOLD TO HOUSE OF REPRESENTATIVES, 1897:

Jan. 7,	To 1 ledger, \$1.00; ledger, 25c.....	\$1 25
" 8,	" 8 ink-stands 80c.; $\frac{1}{2}$ m. wrappers env. \$1.50.....	2 30
" " "	" 2 gr. rubber bands, \$1.20; rep. stamps, 50c.....	1 70
" " "	" 2 ink-pads, 60c.; 2 blank books, 50c.....	1 10
" " "	" 4 thermometers, 80c.....	80
" 9,	" 6 doz. mucilage, \$3.00; 3 sts. fluid, \$2.25.....	5 25
" " "	" 1 " bots. ink, 40c.; (9) day books, 40c.....	80
" " "	" 1 gr. tadella steel pens, \$1.25, b. book, 40.....	1 65
" " "	" $1\frac{1}{2}$ doz. 4 oz. inks, \$1.80; 6 large inks, 60.....	2 40
" 12,	" 2 doz. ink-stands, \$2.00; 1 doz. I. P. eraser, 60	2 60
" 13,	" 1 box 2 oz. inks, \$1.00; 2 reams 2 tb. paper, \$2.00	3 00
" " "	" 6 sets fluid, \$1.50; (24) ink-stands, \$3.00.....	7 50
" " "	" 2 doz. ink and pencil erasers.....	2 00
" 20,	" 6 steel erasers, \$2.10; (4) g. ruler, \$2.40.....	4 50
" 26,	" 3 pen-racks, 30; 1 dater stamp, \$1.00.....	1 30
" 29,	" $\frac{1}{2}$ gr. Dixon no. 2 $\frac{1}{2}$ pencils.....	3 00
" " "	" $\frac{1}{4}$ gr. Farlen no. 2, \$1.80; 2 gr. rubber, \$2.00.....	3 80

\$45 05

Approved by J. W. PEARRELL.

Ratified the 23d day of February, A. D. 1897.

Resolution supplemental to a resolution of the present General Assembly relating to the distribution of colonial and state records.

Preamble.

WHEREAS, the number of colonial records on hand in the state library is insufficient to enable the trustees of the public libraries to carry out fully the directions of a resolution adopted by the present general assembly and entitled a resolution directing the mode of distributing the state records of North Carolina. Now, therefore,

Resolved by the House of Representatives, the Senate concurring:

That the distribution of the colonial records authorized by said resolution shall be within the discretion of the trustees of the public libraries, it not being the intention of the general assembly in adopting the resolution to require the reprinting of said colonial records.

Ratified the 1st day of March, A. D. 1897.

Distribution made discretionary with trustees.

Resolution in favor of the Raleigh stationery company.

STATE OF NORTH CAROLINA,

BOUGHT OF RALEIGH STATIONERY Co.

Jan. 11,	To 2 erasers 50c., \$1.00; 2 gro. pens 75., \$1.50.....	\$ 2 50
" "	" 1 book, 25c.; 20th, 2 paper fasten presses \$2.00, \$4.00.....	4 25
" 28,	" 1 doz. penholders 50c.; 1 gro. rub. bands, \$1.25	1 75
" "	" 1 gro. rubber bands, \$1.00; 1 qt. ink, \$1.00.....	2 00
" "	" $\frac{1}{2}$ doz. inkstands, \$2.50 doz.....	84
" "	" 1 ink stand.....	25
" "	" 8 inkstands, 25c., \$2.00; 1 qt. ink, 75	2 75
" "	" 1 bot. mucilage 10c.; 30th. 4 waste baskets 85c., \$3.40.....	3 50
" 30,	" 1 doz. erasers, \$1.00; 1 doz. pyramid pins, 85c..	1 85
" "	" 1 gro. f. pens, 75c.; 3 bot. paste, 10c., 30c.....	1 05
" "	" 6 box paper fasteners 35c, \$2.10; 6 box paper fasteners 40c., \$2.40.....	4 50
" "	" 8 steel erasers 50c., \$4.00; 7 lbs. cut blotters 20c., \$1.40.....	5 40
" "	" 2 reams legal cap paper @ \$2.50.....	5 00
" "	" 2 doz. sheets large desk blotters 50c.....	1 00
Feb. 14, 1897.	Approved, A. L. Swinson, enrolling clerk.....	\$36 64
Jan. 20, 1897.	To paper fastener press.....	2 00
		\$38 64

RALEIGH STATIONERY Co.,

Per W. G. SEARK, *Mgr.*,

N.

Resolved by the House of Representatives, the Senate concurring:

For stationery
furnished gen-
eral assembly.

That the treasurer of North Carolina, upon the warrant of the auditor, pay the Raleigh Stationery Company the sum of thirty eight dollars and sixty-four cents for stationery furnished this general assembly.

Ratified the 1st day of March, A. D. 1897.

Resolution to pay J. H. McKenzie, chairman of the sub-committee on penal institutions.

Resolved by the House of Representatives, the Senate concurring:

Expense
incurred in visit-
ing state farms
paid.

That the treasurer, upon the warrant of the auditor, pay J. H. McKenzie, chairman of joint sub-committee on penal institutions, the sum of twenty-four dollars and fifty-five cents, expense incurred in visiting state farms in North Hampton and Halifax.

Ratified the 2d day of March, A. D. 1897.

ITEMIZED STATEMENT OF EXPENSE TO NORTHAMPTON AND HALIFAX FARMS.

R. R. fare.....	\$11.30.
Dinner at Henderson, February 11th.....	3.00.
Hack hire.....	2.25.
Dinner at Halifax.....	3.00.
Horse hire, J. H. Arrington.....	1.00.
“ “ “ “ Tillery to farm....	1.00.
Dinner at Henderson, Feb. 15th.....	3.00.

Resolution for the purchase of the portrait of Senator Vance.

Resolved by the House of Representatives, the Senate concurring:

Committee
appointed.

That a joint committee of the senate and house of representatives, to consist of two on the part of the senate, and three on the part of the house, be appointed by the presiding officer of the respective houses to confer with Mrs. Albert Gerry and W. G. Randall for the purchase of the portrait of the late Senator Vance, now on exhibition in the rotunda of the capitol.

Ratified the 3d day of March, A. D. 1897.

A resolution concerning the governor's mansion.

Resolved by the House of Representatives, the Senate concurring:

That a committee of three on the part of the house, and two of the senate, be appointed to examine the governor's mansion, and ascertain whether the said building is needing any alterations or repairs necessary for the convenience and comfort of the governor and his family, and the said committee shall employ an architect, or a good mechanic, who shall make an estimate of the cost of such repairs and alterations as may be found necessary, and said committee shall report to this assembly.

Committee to
examine gov-
ernors mansion.

Ratified the 2d day of March, A. D. 1897.

Resolution to pay W. H. and R. S. Tucker and company for renovating carpets, and cleaning the hall of the house of representatives.

Resolved by the House of Representatives, the Senate concurring:

That the state treasurer be and is hereby authorized to pay to W. H. and R. S. Tucker and company, upon the warrant of the State auditor, the sum of one hundred and nineteen dollars (119.00).

Work in house of
representatives
paid for.

For cleaning carpet, putting matting in the galleries and other work in the hall of the house of representatives.

Ratified the 3rd day of March, A. D. 1897.

A resolution to authorize the governor to have paved certain streets around the capitol square.

Resolved by the House of Representatives, the Senate concurring:

That the governor or the board of directors of the penitentiary are hereby authorized and directed to cause one-half of the streets around the capitol square to be paved or macadamized with stone to be quarried from the penitentiary quarry or other convenient quarry, and in such a manner as he may deem best and suitable whenever the same can be done conveniently by the hands from the penitentiary, provided that the city of

Streets around
capitol to be
paved.

Raleigh shall have the other half paved at the same time, and with like material, and provided further that whenever the property on both sides of the street is owned by the state the whole of the street shall be paved by the state authorities aforesaid.

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

Ratified the 5th day of March, A. D. 1897.

A joint resolution authorizing the payment to Mrs. Sarah A. Knox of her pension for the year 1896.

Preamble.

WHEREAS, Mrs. Sarah A. Knox of Brunswick county, widow of the late Capt. George E. Knox, failed to draw the pension due for the year 1896, on account of some technicality in her papers; now, therefore be it,

Resolved by the House of Representatives, the Senate concurring:

Auditor to draw
warrant for pen-
sion for 1896.

That the auditor is hereby authorized and directed to draw his warrant in favor of Mrs. Sarah A. Knox for the amount of her pension as widow of George E. Knox for the year 1896; said warrant to be drawn upon the pension fund, if there be any, in the treasury.

This resolution to take effect immediately upon its ratification.

Ratified the 5th day of March, A. D. 1897.

Joint resolution asking Congress to rebuild the U. S. arsenal at Fayetteville, N. C.

JOINT RESOLUTION.

Resolved by the House of Representatives of the General Assembly of North Carolina, the Senate concurring:

Instructions to
senators and
representatives
in congress.

That our senators and representatives in congress be and are hereby respectfully requested to use all possible means to secure the passage of a law by Congress as soon as possible for the rebuilding of the United States arsenal at Fayetteville, N. C., which was destroyed at or about the close of the late war between the states.

Ratified the 6th day of March, A. D. 1897.

Resolution in favor of pages.*Resolved by the Senate, the House of Representatives concurring:*

SECTION 1. That the auditor is authorized to draw his warrant on the treasurer for five dollars (\$5.00) extra allowance, for each of the pages of the senate and house. Each page allowed \$5 extra.

SEC. 2. That this resolution shall take effect from and after its ratification.

Ratified the 5th day of March, A. D. 1897.

Joint resolution to proceed to election of trustees of the University of North Carolina.*Resolved by the House of Representatives, the Senate concurring:*

That the senate and house of representatives proceed at the hour of twelve M. on Thursday, the 4th day of March, 1897, to elect trustees of the University of North Carolina. Time for election of trustees fixed.

Ratified the 5th day of March, A. D. 1897.

Joint resolution in favor of employees of the present General Assembly.*Resolved by the Senate, and House of Representatives concurring:*

SECTION 1. That the auditor of state is hereby authorized and directed to draw his warrant in favor of W. F. Young, W. H. Quick and James Blythe, for four days work each as assistant enrolling clerks for four days' work before February 22, 1897, for services performed at five dollars per day, also he the auditor shall draw his warrant for four days' labor in favor of Toswell L. Taylor, at two dollars and fifty cents per day, for services in enrolling clerk's office. Auditor to draw warrant in favor of persons named for sums specified.

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

Ratified the 6th day of March, A. D. 1897.

Senate resolution in favor of James I. Moore for 200.00.*Resolved by the Senate, the House of Representatives concurring:*Payment in full
for services.

That the state treasurer is authorized and required upon the warrant of the auditor of state to pay to James I. Moore two hundred dollars, in full of all services in the matter of T. F. Lee, former sheriff of Wake county.

Ratified the 6th day of March, A. D. 1897.

Resolution to pay to Starkey Hare twenty dollars and eighty cents (\$20.⁸⁰/₁₀₀).*Resolved by the House of Representatives, the Senate concurring:*Expense of visit
to state farm in
Anson.

That the treasurer of North Carolina be directed to pay to Starkey Hare twenty dollars and eighty cents (\$20.⁸⁰/₁₀₀).

Ratified the 6th day of March, A. D., 1897.

RALEIGH, N. C.,

February 13, 1897.

STATE NORTH OF CAROLINA,

DR.

To committee on penal institutions who visited state farm in Anson county :

To Starkey Hare, railroad fare	\$ 7.90
“ “ “ hotel bill.....	2.50
“ D. W. Dewees, railroad fare.....	7.90
“ “ “ hotel bill	2.50

Total amount.....\$ 20.80

STARKEY HARE, *Chairman.*

Resolution to pay Chas. F. Lumsden for ventilating hall of house of representatives.*Resolved by the House of Representatives, the Senate concurring :*Paid for ventila-
ting hall of house
of representa-
tives.

That the state treasurer be and is hereby authorized to pay Chas. F. Lumsden, upon the warrant of the state auditor, the sum of five dollars (\$5.00) for ventilating the hall of the house of representatives.

Ratified the 8th day of March, A. D. 1897.

Joint resolution concerning election of directors for the training school for colored teachers.

Resolved by the House of Representatives, the Senate concurring :

That a committee of five, three on the part of the house and two on the part of the senate, be appointed to make nominations for directors for the training school for colored teachers, as provided in an act ratified on the (fifth) 5th day of March, 1897.

Committee, to make nominations for directors.

Ratified the 8th day of March, A. D. 1897.

Resolution for the relief of L. M. Morrison ex-sheriff of Cabarrus county.

Resolved by the Senate, the House of Representatives concurring :

That the state treasurer is hereby authorized and instructed to pay to L. M. Morrison, ex-sheriff of Cabarrus county, the sum of ninety-three and $\frac{77}{100}$ dollars, the same being the amount of money paid into the state treasury as taxes by said L. M. Morrison, ex-sheriff, over and above the true amount due by said sheriff. That said sum of \$93 $\frac{77}{100}$ having been paid by said ex-sheriff through and by mistake. That the state auditor is hereby authorized and instructed to draw his warrant for the same.

Excess of taxes repaid to sheriff.

Ratified the 9th day of March, A. D. 1897.

A resolution for relief of witnesses in case of Robert L. Douglass.

Resolved by the House, Senate concurring :

That the legislature of the state of Virginia be requested to pay witnesses in case of Robert L. Douglass.

State of Virginia requested to pay witnesses.

WHEREAS, in March, 1896, upon a requisition of Governor O'Ferrall of Virginia upon Gov. Carr of North Carolina, one Robert L. Douglass of Iredell county, N. C., was surrendered and delivered over to the Virginia authorities, and was carried to Tazwell, Va., and there in the court of Virginia indicted for murder ; and,

Preamble.

WHEREAS, the most ample and satisfactory proofs were offered by the said Douglass at the trial establishing his innocence, and after a trial of nine days he was acquitted by the jury in five minutes; and,

WHEREAS, the innocence of said Douglass was at all times indubitable, because from forty to sixty trustworthy and excellent citizens of Iredell, personally knew that Douglass was in Iredell county, N. C., at the time of the alleged murder in Virginia—about 400 miles from the place of homicide—and,

WHEREAS, under the laws of Virginia there is no provision made for a defendant to get his witnesses when they are non-residents, and there is no provision of law for taking depositions of his witnesses; and,

WHEREAS, the laws of said state fail to provide for the payment of the mileage or *per diem* of the defendant's witnesses, although the case may be *not prosequi* or the defendant acquitted; and,

WHEREAS, Douglass was a very poor man and the charity of friends in North Carolina only could be relied to furnish about \$800, wherewith to take his witnesses about 400 miles on two several occasions to establish his innocence, and said witnesses were not allowed a cent for mileage or attendance, although duly subpoenaed for the defendant and were necessary to establish—and they did establish his innocence; now, therefore,

It is resolved by the General Assembly of North Carolina, the Senate and House concurring:

Legislature of
Virginia
requested to pay
witnesses.

That the legislature of the state of Virginia is respectfully requested to enact such legislation as may be necessary to pay the witnesses of Robt. L. Douglass their mileage and *per diem* in the case against him in which he was acquitted at Tazwell, Va., in July, 1896, and to obtain the facts in regard to said trial, reference is respectfully made Col. A. J. May of Tazwell, Va., and B. F. Long, Statesville, N. C., who defended the said Douglass.

Secretary of
state to send
copies of resolution.

That the secretary of state is hereby directed to send a copy of this resolution to the speaker of the senate and to the speaker of the house respectively of the legislature of Virginia.

Ratified the 9th day of March, A. D. 1897.

To the General Assembly of North Carolina :

We, the undersigned committee on public buildings and grounds, beg to submit the following report : That on the 4th day of March, 1897, we visited the supreme court building, agriculture building, capitol buildings and grounds, and found them properly managed and kept. We have also visited the governor's mansion, and beg to state that we find certain repairs and furniture necessary for said mansion, viz.:

Report of committee on public buildings and ground.

Repairs for kitchen and pantry.....	\$200.
“ “ driveway	50.
Steps and repair to carriage door.....	50.
Studding to brace house in centre.....	50.
Repairing walls.....	100.
China cabinets for dining room.....	80.
Kitchen and dining room utensils.....	70.
	<u>\$600.</u>

The committee in submitting the following report do hereby make the following recommendation: That this general assembly do order and direct the keeper of the capitol, and it shall be his duty, to go to the governor's mansion and take inventory of furniture for mansion once each year and audit accounts.

HARE, *Chairman.*

Resolution to appropriate \$600 for repairs and necessary furniture for the governor's mansion.

WHEREAS the committee on public buildings and grounds have visited the governor's mansion ; and

Preamble.

WHEREAS they report that it will cost six hundred (600) dollars for necessary repairs and furniture for said mansion, therefore be it

Resolved by the House of Representatives, the Senate concurring:

That six hundred (\$600) dollars be and is hereby appropriated for the necessary repairs and furniture for the governors mansion.

Appropriation for repairs and furniture for governors mansion.

Ratified the 9th day of March, A. D. 1897.

Resolved by the House of Representatives, the Senate concurring:

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.

Committee to fill vacancies in board of trustees for A. & M. College for colored race.

Ratified the 9th day of March, A. D. 1897.

A resolution to select trustees for the colored training school.

The General Assembly of North Carolina do enact :

Conference com-
mittee on elect-
ion of trustees.

SECTION 1. *Resolved*, that there be appointed a conference committee on election of trustees for the colored training school, two on the part of the senate and three on the part of the house.

Ratified the 9th day of March, A. D. 1897.

A resolution to pay the laborers.

The General Assembly of North Carolina do enact :

Extra pay
allowed laborers
of senate.

SECTION 1. *Resolve*, that the senate, the house of representatives concurring, authorize the auditor to draw his warrant on the treasurer for five dollars' extra allowance for each labor of the senate.

This resolution shall take effect from and after its ratification.
Ratified the 9th day of March, A. D. 1897.

A resolution to pay Alfred Williams & Co. \$20.55 for stationery and other supplies furnished the Senate.

Resolved by the Senate, the House of Representatives concurring:

Alfred Williams
& Co. allowed
payment for sta-
tionery furnished

That the treasurer of the state be and is hereby authorized to pay Alfred Williams & Company the sum of twenty dollars and fifty-five cents for stationery furnished to the senate, and that the auditor of the state shall issue his warrant for said amount.

Jan. 4.	Stamp pad, 20 ; 6 rubber stamps, 75.....	\$ 95
" 6.	1 clip board, 50 ; bx. paper fast., 30.....	80
" "	8 inkstands, 80 (7) 1 dz. indexes, 1.00.....	1 80
" 9.	3 qts. fluid, 2.25 ; 6 doz. mucilages, 3.00.....	5 25
" "	6 doz. penholders, 1.20 ; 4 baskets, 3.00.....	4 20
" 13.	2 bxs. ink, 2.00 ; (15) 6 blk. books, 1.50.....	3 50
" "	3 steel erasers, 1.20 (221); 3 rubber hdrs., 45.....	1 65
" "	1 gr. penholders.....	2 50

\$20 55

Approved,

T. N. HALLYBURTON,
Doorkeeper.

Ratified the 9th day of March, A. D. 1897.

Senate resolution to pay Frank Smathers \$5.00 extra service,
special messenger to senate.

RESOLVED, by the senate that the auditor is hereby authorized and empowered to issue his warrant on the state treasurer for the sum of five (\$5.00) dollars in favor of Frank Smathers, special messenger of the senate.

Pay for services
as special mes-
senger.

Ratified the 9th day of March, A. D. 1897.

Resolution for the relief of J. L. Nelson in favor of educa-
tional sub-committee.

Resolved by the House of Representatives, the Senate concurring:

That the auditor be directed to draw his warrant on the treasurer of North Carolina for a sum of one hundred, twenty-two and $\frac{85}{100}$ dollars, in favor of J. L. Nelson of the joint sub-committee on education, to be used by him in the payment of the actual expenses of the said committee incurred on their visit of inspection to the University, State Normal and colored A. and M. college at Greensboro.

Expenses of
committee visit-
ing University,
Normal schools
and A. & M. col-
lege paid.

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

Statement of expenses.

Cathey	\$11 50
Nelson.....	11 50
Murphy.....	11 50
Currie.....	11 50
White of Alamance.....	11 50
Dockery.....	16 75
Scales.....	10 60
McCarthy.....	11 50
Utley.....	11 50
Carriage hire.....	15 00

Total.....\$122 85

Ratified the 9th day of March, A. D. 1897.

Resolved by the House, the Senate concurring:

That the general assembly now in session do adjourn *sine die* on Tuesday, March 9, 1897, at 6 o'clock P. M.

Hour of adjourn-
ment fixed.

Ratified the 9th day of March, A. D. 1897.

A resolution to pay R. M. Ranson his contested election expenses.

Resolved by the House of Representatives, the Senate concurring:

Allowed
expenses of
election contest.

SECTION 1. That R. M. Ranson be allowed one hundred and eighty-nine dollars for his expenses in the election contest with M. B. Williamson, and the auditor is hereby authorized and instructed to issue his warrant on the treasurer of North Carolina for said sum.

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

Ratified the 9th day of March, A. D. 1897.

Resolution in favor of Isaiah Crasson.

Allowed pay as
messenger and
laborer.

Resolve: That the state auditor is authorized and directed to issue his warrant in favor of Isaiah Crasson for eight days' of service at \$2.50 per day as messenger and laborer in the enrolling clerk's office of 1897. And the treasurer is authorized to pay out of any money or moneys that is not otherwise appropriated.

Ratified the 9th day of March, A. D. 1897.

Resolved by the House of Representatives, the Senate concurring:

Expenses of
election contest
allowed.

That the treasurer of the state, upon the warrant of the auditor of the state, pay to N. S. Clanton and M. B. Williamson the sum of one hundred and eighty-nine (\$189) dollars each, for their expenses in the election contest of N. S. Clanton against J. Sol Reid, and M. B. Williamson against R. M. Ranson.

Ratified this 9th day of March, A. D. 1897.

Resolved by the House of Representatives, the Senate concurring:

Expenses of
election contest
allowed.

That the sum of one hundred dollars be paid to W. H. Crews, Jr., in full of all expenses incurred in the contest of Fields against Crews for a seat in the house of representatives, session of eighteen hundred and ninety-seven.

Ratified the 9th day of March, A. D. 1897.

Resolution to pay expenses of J. Sol Reid of Mecklenburg.

Resolved by the House of Representatives, the Senate concurring:

That the sum of one hundred and eighty-nine dollars to be paid J. Sol Reid in full of all expenses incurred in the contest of W. Selvan Clanton against J. Sol Reid for a seat in the house of representatives session of eighteen hundred and ninety-seven. Expenses of election contest allowed.

Ratified the 9th day of March, A. D., 1897.

Bill of expenses of J. Sol Reid, contestee, incurred in the case of W. Selvan Clanton, contestant, against him for the seat in the House of Representatives of North Carolina, session 1897: Bill of expenses.

Actual expenses of attorneys for railroad fare,
hotel bills, hack hire and briefs..... \$ 69.12

Expenses of taking depositions (John R. Erwin,
commissioner, and F. M. Shannonhouse,
stenographer)..... 20.00

Attorneys' fees, Messrs. McCall, Keerans and Duls 100.00

\$189.12

**Resolution to pay contestant in contested election case of
Field v. Crews.**

Resolved by the House of Representatives, the Senate concurring:

That the treasurer is authorized and directed to pay to the contestant Alex. J. Field, for expenses incurred in the contested election case of Field v. Crews, from Granville, the sum of one hundred dollars. Allowed expenses of election contest.

This act shall be in force from and after the ratification of this act.

Ratified the 9th day of March, A. D. 1897.

Resolution in favor of D. R. Hyams.

Resolved by the Senate, the House concurring:

The General Assembly of North Carolina do enact:

SECTION 1. That D. R. Hyams be paid thirty-two (\$32.50) and one-half dollars due him to balance for service as special messenger. Balance for services as special messenger.

Ratified the 9th day of March, A. D. 1897.

Resolved by the House of Representatives, the Senate concurring:

W. W. Cooper
allowed payment
for extra ser-
vices.

That the treasurer pay on the warrant of the auditor, out of any monies not otherwise appropriated, W. W. Cooper the sum of forty dollars for extra services in heating the house of representatives and senate during the session of the general assembly of 1897.

Ratified the 9th day of March, A. D. 1897.

Resolution to pay James H. Young expenses of contesting election with U. B. Broughton.

Resolved by the House of Representatives, the Senate concurring:

* Allowed
expenses of
election contest.

That the treasurer of state, upon the warrant of the auditor of state, shall pay to James H. Young the sum of two hundred and fifty (\$250) dollars, in full of all expenses incurred by him in the contest for his seat by N. B. Broughton.

Resolved, that this resolution shall be in force from its ratification.

Ratified the 9th day of March, A. D. 1897.

Resolution to pay expenses of N. B. Broughton in election contest with James H. Young.

Resolved by the House of Representatives, the Senate concurring:

Allowed
expenses of
election contest.

That the treasurer of the state, upon the warrant of the auditor of state, pay to N. B. Broughton the sum of two hundred and fifty dollars each in full of all expenses incurred by him in the contest with James H. Young for a seat in the General Assembly of North Carolina, session 1897.

Resolved, that this resolution shall be in force from and after its ratification.

Ratified the 9th day of March, A. D. 1897.

Resolution for the purchase of the portrait of Senator Vance.

Resolved by the Senate, the House of Representatives concurring:

Appropriation
for purchase of
portrait.

That the sum of five hundred dollars be and the same is hereby appropriated for the purchase of the portrait of senator Vance now on view in the rotunda of the capitol and that the treasurer pay the said sum to Mrs. Albert Guerriy or her order out of any money in the treasury not otherwise appropriated.

Ratified the 9th day of March, A. D. 1897.

Resolved by the House, the Senate concurring:

That the auditor be directed to issue his warrant upon the treasurer for the sum of \$93.45 in favor of Alfred Williams & Co., for stationary furnished the general assembly, session of 1897.

Feb. 18.	2 rubber stamps.....	\$ 1.50	Allowance to Alfred Williams & Co. for station- ery furnished general assem- bly.
" "	1 Pad.....	30	
" 20.	repr. stamps.....	25	
" "	1 Pad.....	30	
" 1.	1 doz. ink stands, 1.20 ; legal wrappers 30c.....	1.50	
" 1.	6 blk. books, 1.50 ; 2 blk. books 30c.....	1.80	
" 4.	$\frac{1}{2}$ grs. pencils, 3.00 ; $\frac{1}{2}$ doz. steel erasers, 2.10.....	5.10	
" "	6 qts. fluid, 4.50 ; 1 gross pens, 1.00 blotters, 35c.....	5.75	
" 5.	$\frac{1}{2}$ gross pencils, 3.00 ; $\frac{1}{2}$ doz. steel erasers, 2.10.....	5.10	
" 8.	2 qts. ink, 1.50 ; 1 gr. $\frac{1}{2}$ inch rubbers, 1.25 ; pen holders, 1.00.....	3.75	
" "	1 rm. type writer paper, 1.25 ; 1 m. paper fast, 2.00	3.25	
" "	$\frac{1}{2}$ gross pencils.....	2.25	
" 9.	4 special stamps.....	8.00	
" 11.	2 gross pens, 2.00 ; $\frac{1}{2}$ gross pencils, 1.00.....	3.00	
" 14.	2 fountain pens, 3.00 ; (17) pens Hall 2.50.....	5.50	
" 17.	$\frac{1}{2}$ gross pencils, 2.50 ; 1 gross steel pens, 1.00.....	3.50	
" "	1 gross model pens, 1.00 ; 6 bxs. paper, fast. 75..	1.75	
" "	2 gross rubbers, 2.50 ; $\frac{1}{2}$ gross pen holders, 75.....	3.25	
" "	50 legal wrappers, 50 ; blotters, 25.....	75	
" 18.	12 bxs. paper fast., 2.40 ; 12 bxs. paper fast., 4.80..	7.20	
" "	2 steel erasers, 70 ; $\frac{1}{2}$ gr. I. & P. erasers, 75 ; pens, 1.00.....	2.45	
" "	1 grs. Spenc. pens, 1.00 ; 6 ink stands, 10 ; $\frac{1}{2}$ G. rubber, 1.00.....	2.60	
" 22.	$\frac{1}{2}$ grs. pen holders, 80 ; 1 qt. ink, 75 ; $\frac{1}{2}$ grs. pen- cils, 2.50.....	4.05	
" "	1 grs. assorted rubbers, 1.50 ; ink & P. Era- sers, 75.....	2.25	
" "	blotter, 25 ; ink 25 ; 1 bx. pens, 75.....	1.25	
" 24.	1 grs. steel pens, 1.00 ; 1 grs. pencils, 75.....	1.75	
" 25.	1 bx. assorted rubbers, 1.50 ; blotters, 25.....	1.75	
" 26.	1 grs. pens, 75 ; bx. rubbers, 60.....	1.35	
" 27.	1 qt. ink, 75.....	75	
March 1.	2 qts. ink, 1.50 ; 1 bx. rubbers, 75 ; 1 grs. pens, 1.00	3.25	
" 1.	$\frac{1}{2}$ doz. erasers, 75 ; 1 grs. pencils, 1.00 ; 1 doz. pencils 50.....	2.25	
" 2.	1 grs. pens, 1.00 ; 1 bx. assorted rubbers, 1.50..	2.50	
" "	$\frac{1}{2}$ grs. penholders, 80 ; 1 bx. Falcon pens, 75.....	1.55	

“	3.	1 grs. Spenc. pens, 1.00 ; 3 bxs. rubber strings, 50	1.50
“	“	2 bxs. paper fasteners.....	40
			\$93.45

Ninety-three and $\frac{45}{100}$ dollars in favor of Alfred Williams & Co., for stationery furnished the general assembly, session of 1897.

Ratified the 9th day of March, A. D. 1897.

Resolution to adjourn at 12 o'clock midnight March 9th, 1897.

Resolved by the House of Representatives, the Senate concurring :

Hour of adjourn-
ment fixed.

That this general assembly do adjourn *sine die* at 12 o'clock this P. M. March 9th, 1897.

Ratified the 9th day of March, A. D. 1897.

STATE OF NORTH CAROLINA,

OFFICE OF SECRETARY OF STATE,

RALEIGH, April 28th, 1897.

I, Cyrus Thompson, Secretary of State, hereby certify that the foregoing (manuscript) are true copies of the original acts and resolutions on file in this office.

CYRUS THOMPSON,
Secretary of State.

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TO THE

PUBLIC LAWS AND RESOLUTIONS.

SESSION 1897.

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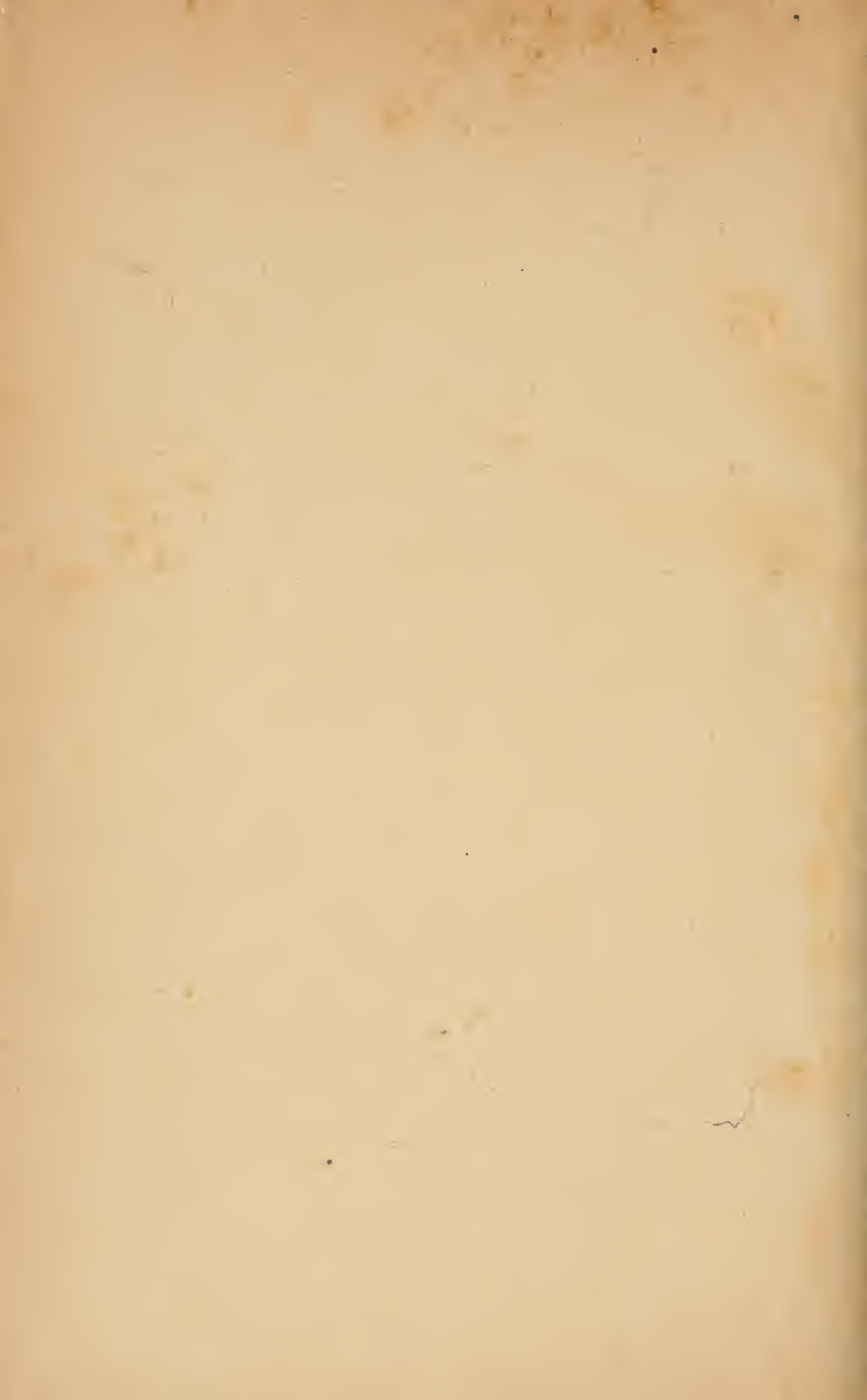
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