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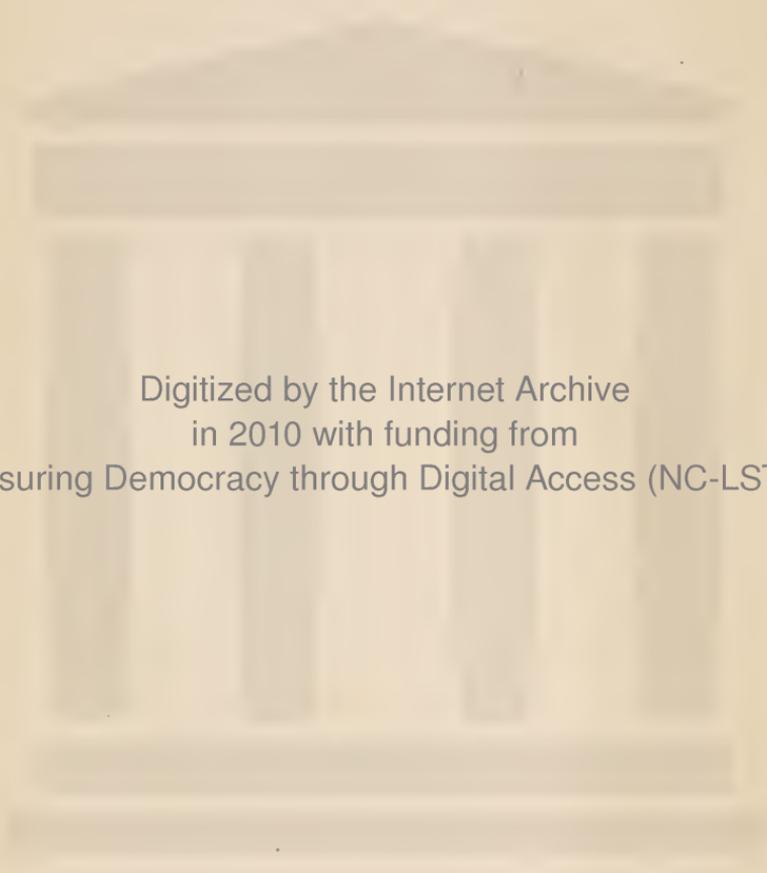
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PUBLIC LAWS AND RESOLUTIONS

OF THE

STATE OF NORTH CAROLINA

PASSED BY THE

GENERAL ASSEMBLY

AT ITS

SESSION OF 1899,

BEGUN AND HELD IN THE CITY OF RALEIGH

ON

WEDNESDAY, THE FOURTH DAY OF JANUARY, A. D. 1899.

PUBLISHED BY AUTHORITY.

RALEIGH, N. C.:

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## CONTENTS.

STATE GOVERNMENT.....	IV
SUPREME COURT JUDGES.....	IV
SUPERIOR COURT JUDGES.....	V
SOLICITORS.....	V
CRIMINAL COURT JUDGES.....	V
COMMISSIONERS OF AFFIDAVITS.....	VI
GENERAL ASSEMBLY.....	VII
CAPTIONS OF THE PUBLIC LAWS.....	XI
CAPTIONS OF THE RESOLUTIONS.....	XXXIII
CONSTITUTION.....	XXXV
PUBLIC LAWS.....	1
RESOLUTIONS.....	953
INDEX TO PUBLIC LAWS.....	984
INDEX TO PUBLIC RESOLUTIONS.....	Last.

# OFFICIAL REGISTER

FOR THE YEAR 1899.

## 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 .....	Supt. of Public Instruction.
ZEB. V. WALSER .....	Davidson County .....	Attorney-General.
B. S. ROYSTER .....	Granville County .....	Adjutant-General.
EDWARDS & BROUGHTON, and E. M. UZZELL }	Wake County .....	Public Printers.
J. L. BURNS .....	Martin County .....	Keeper of Capitol.
M. O. SHERRILL .....	Catawba County .....	Librarian.
BAYLUS CADE .....	Franklin County .....	Private Secretary to Governor.
MISS FLORA E. CREECH .....	Wake County .....	Executive Clerk.
JOHN B. KOONCE .....	Jones County .....	Clerk to Secretary of State.
D. H. SENTER .....	Harnett 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.
W. N. MEBANE .....	Alamance County .....	Clerk to Supt. Public Instruction

## THE JUDICIARY.

### SUPREME COURT.

NAME.	RESIDENCE.
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. DOUGLAS, Associate Justice .....	Greensboro.
THOS. S. KENAN, Clerk .....	Raleigh.
J. L. SEAWELL, Office Clerk .....	Raleigh.
ROBERT H. BRADLEY, Marshal and Librarian .....	Raleigh.
RALPH P. BUXTON, Reporter .....	Fayetteville.

SUPERIOR COURT JUDGES.

NAME.	DISTRICT.	RESIDENCE.
GEO. H. BROWN, JR.	First	Washington.
HENRY R. BRYAN	Second	Newbern.
E. W. TIMBERLAKE	Third	Louisburg.
W. S. O'B. ROBINSON	Fourth	Goldsboro.
T. J. SHAW	Fifth	Greensboro.
O. H. ALLEN	Sixth	Kinston.
T. A. McNEILL	Seventh	Lumberton.
A. L. COBLE	Eighth	Statesville.
H. R. STARBUCK	Ninth	Winston.
J. W. BOWMAN	Tenth	Bakersville.
W. A. HOKE	Eleventh	Lincolnton.
FREDERICK MOORE	Twelfth	Asheville.

SOLICITORS.

G. W. WARD	First	Elizabeth City.
W. E. DANIEL	Second	Weidon.
L. I. MOORE	Third	Greenville.
E. W. POU	Fourth	Smithfield.
A. L. BROOKS	Fifth	Greensboro.
RODOLPH DUFFY	Sixth	Catherine's Lake.
COLIN M. McLEAN	Seventh	Elizabethtown.
WILEY RUSH	Eighth	Ashboro.
M. L. MOTT	Ninth	Wilkesboro.
M. N. HARSHAW	Tenth	Lenoir.
J. L. WEBB	Eleventh	Shelby.
JAS. W. FERGUSON	Twelfth	Waynesville.

CRIMINAL COURT JUDGES.

DORSEY BATTLE	Eastern District	Rocky Mount.
HENRY B STEVENS	Western District	Asheville.

## LIST OF COMMISSIONERS OF AFFIDAVITS FOR THE STATE OF NORTH CAROLINA.

*List of Commissioners of Affidavits for the State of North Carolina, resident in other States, Territories and Countries, and in the District of Columbia, together with Residence, date of Appointment and date of Qualification.*

NAME.	ADDRESS.	DATE OF APPOINTMENT.	DATE OF QUALIFICATION.
Abrahams, Howard	Equitable Building, Baltimore, Md.	Dec. 24, 1898	Dec. 27, 1898.
Adams, Chas Hall	23 Court St., Boston, Mass	Jan. 20, 1899	Jan. 23, 1899.
Anderson, Armour C.	13 Chambers St., New York	Dec 23, 1898	Dec. 27, 1898.
Ballantyne, H.	Care of H. B Clafin & Co., New York.	July 1, 1897	July 6, 1897.
Braman, Ella F.	1224 Broadway, New York	April 12, 1899	April 15, 1899.
Braman, Joseph B	120 Broadway, New York	May 8, 1897	May 10, 1897.
Bruce, J. C	Danville, Va	July 15, 1897	July 19, 1897.
Bunday, Chas. S	317, 319, 4 1/2 St. N. W. Washington, D. C.	Dec. 15, 1898	Dec. 17, 1898.
Cassell, Norman	Portsmouth, Va.	Oct 6, 1897	Oct. 18, 1897.
Cleveland, L. W.	New Haven, Conn.	Dec. 23, 1897	March 16, 1898.
Cloud, Edward H	793 Land Title, Philadelphia, Pa.	Dec. 13, 1898	Dec. 20, 1898.
Corey, Geo. H.	56 Wall St., New York	Oct. 26, 1897	Oct 29, 1897.
Corey, Edwin F.	56 Wall St., New York	April 6, 1899	April 8, 1899.
Fisher, A. H.	Baltimore, Md	May 28, 1898	May 28 1898.
Folsom, Thos W	835 Broadway, New York	Oct. 5, 1898	Oct. 25, 1898.
Foote, Mark A.	158 and 174 Adams St., Chicago, Ill	Jan. 10, 1899	Jan. 13, 1899.
Gilliam, Robt.	Petersburg, Va	April 14, 1899	April 15, 1899.
Garney, Isaac E.	40 Wall St., New York	Jan. 13, 1898	Jan. 15, 1898.
Hanson, Murray	14 Saint Paul St., Baltimore, Md.	May 15, 1897	May 17, 1897.
Harrison, Joseph T.	S. W. Cor. 5 and Main Sts., Cincinnati, O.	Oct. 15, 1897	Oct. 18, 1897.
Hillery, John A.	56 Wall St., New York	March 16, 1899	March 21, 1899.
Hoffman, Ph. H.	220, 222 Equitable B'lg. Baltimore, Md.	Dec. 28, 1897	Jan. 3, 1898.
Hunt, Thos J.	623 Walnut St., Philadelphia, Pa.	Nov. 29, 1897	Dec. 4, 1897.
Hunt, George W.	623 Walnut St., Philadelphia, Pa.	Feb. 3, 1898	Feb. 4, 1898.
Jones, Edward J	61 Court St., Boston, Mass	March 2, 1898	March 2, 1898.
Jennison, Samuel	186 Washington St., Boston, Mass.	Jan. 7, 1899	Jan 9, 1899.
Jackson, Eleazer	293 Broadway, New York	March 10, 1899	March 15, 1899.
King, James L.	San Francisco, Cal.	March 27, 1899	April 3, 1899.
Lukins Edward Fell	812, 816 Girard B'lg, Philadelphia, Pa	Dec. 2, 1897	Dec. 27, 1897.
Mathieu, Harry C	100 E. Lexington St. Baltimore, Md.	Aug. 29, 1898	Aug. 31, 1898.
McHarg, Rufus K.	137 Broadway New York	Feb 8, 1898	Feb. 10, 1898.
McKay, Alfred	59 Cedar St., New York	Sept. 14, 1897	Sept. 18, 1897.
Mills, Chas Edgar	115, 117 Broadway, New York	Jan. 10, 1898	Jan. 14, 1898.
Mitchell, John E	1321 F. St. N. W. Washington, D. C.	May 15, 1898	May 17, 1898.
Michelsohn, Adolph	Norfolk, Va.	March 3, 1899	March 4, 1899.
Netherland, Wm. M	Washington, D C	Jan. 3, 1898	Jan. 5, 1898.
Norfleet, James M.	503 Columbia Building, Norfolk, Va.	Nov. 22, 1898	Nov. 23, 1898.
Perkins, J. M	Portsmouth, Va.	Dec. 2, 1897	Dec. 4, 1897.
Raleigh, W. H H	Corner Hopkins Place, Baltimore, Md	Feb. 24, 1898	Feb. 25, 1898.
Reardon, G. Evett	Cor. Lexington & St. Paul Sts., Balt., Md	Jan. 15, 1898	Jan 17, 1898.
Robb, W. F.	Pittsburg, Pa.	Nov. 19, 1898	Nov. 21, 1898.
Roseman, Vincent	227 Broadway, New York	July 14, 1897	Oct 1, 1897.
Ruffin, Edmund S.	Rooms 4 and 6 Acad Music, Norfolk, Va.	Dec. 9, 1898	Dec 13, 1898.
Sparhawk, Charles W.	400 Chestnut St., Philadelphia, Pa.	June 18, 1897	June 21, 1897.
Starke, L. D.	190 and 202 Main St., Norfolk, Va.	Jan. 30, 1899	Feb. 1, 1899.
Starke, L. D. Jr.	Norfolk, Va.	Feb 5, 1899	Feb. 9, 1899.
Taylor, Anson S.	1213 F St. N. W. Washington, D. C.	Dec. 13, 1897	Dec. 16, 1897.
Taylor, Geo. W.	41 Army Corps, near Havana, Cuba	Jan. 10, 1899	Not qualified.
Taylor, Samuel L.	311 Betz Building, Philadelphia, Pa.	Dec 7 1898	Dec. 19, 1898.
Tener, Kinley J.	Philadelphia, Pa	July 17, 1897	July 16, 1897.
Tobey, Rufus B.	Boston, Mass	April 7, 1898	May 11, 1898.
Tomlin, Robt. W.	Norfolk, Va.	Sept. 11, 1897	Sept. 15, 1897.
Wallis, Wm.	Bristol, Va.	Sept. 27, 1898	Sept. 29, 1898.
Wagner, Wm. Jr	15 and 17 S. 3rd St., Philadelphia, Pa.	Nov. 29, 1897	Dec 3, 1897.
Williams, W. L.	104 Main St., Norfolk, Va.	March 12, 1898	March 14, 1898.

STATE OF NORTH CAROLINA,  
OFFICE OF SECRETARY OF STATE,  
RALEIGH, April 24, 1899.

I, Cyrus Thompson, Secretary of State, hereby certify the foregoing to be a true list of the Commissioners of Affidavits for North Carolina, resident in other States, Territories, etc., together with their places of residence, dates of appointment and dates of qualification, as recorded in this office.

CYRUS THOMPSON,  
Secretary of State.

# MEMBERS OF THE GENERAL ASSEMBLY.

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

## SENATORS.

CHAS. A. REYNOLDS, LIEUTENANT-GOVERNOR, President, Winston.

DISTRICT.	NAME OF SENATOR.	POST-OFFICE.	COUNTY.
1	T. G. Skinner	Hertford	Perquimans.
1	George Cowper	Winton	Hertford.
2	I. W. Miller	Alliance	Pamlico.
2	H. S. Ward	Plymouth	Washington.
3	W. E. Harris	Seaboard	Northampton.
4	E. L. Travis	Halifax	Halifax.
5	R. H. Speight	Wrendale	Edgecombe.
6	F. G. James	Greenville	Pitt.
7	R. A. P. Cooley	Nashville	Nash.
7	T. S. Collie	Cedarrock	Franklin.
8	J. Q. Jackson	Kinston	Lenoir.
8	James A. Bryan	Newbern	Craven.
9	F. A. Daniels	Goldsboro	Wayne.
9	I. F. Hill	Faison	Duplin.
10	W. J. Davis	Winnabow	Brunswick.
11	Thomas O. Fuller	Warrenton	Warren.
12	F. A. Whitaker	Raleigh	Wake.
13	J. A. T. Jones	Gulley's Mills	Johnston.
14	J. W. S. Robinson	Delta	Sampson.
14	F. P. Jones	Dunn	Harnett.
15	J. A. Brown	Chadbourn	Columbus.
15	Stephen McIntyre	Lumberton	Robeson.
16	W. L. Williams	Little River Academy	Cumberland.
17	A. A. Hicks	Oxford	Granville.
18	Thomas M Cheek	Mebane	Orange.
18	J. M. Satterfield	Estelle	Caswell.
19	J. A. Goodwin	Merty Oaks	Chatham.
20	William Lindsay	Reidsville	Rockingham.
21	J. N. Wilson	Greensboro	Guilford.
22	J. C. Black	Carthage	Moore.
23	Charles Stanback	Mt. Gilead	Montgomery.
23	Thomas J. Jerome	Monroe	Union.
24	R. L. Smith	Norwood	Stanly.
25	F. I. Osborne	Charlotte	Mecklenburg.
26	R. B. Glenn	Winston	Forsyth.
26	J. C. Thomas	Midway	Davidson.
27	James A. Butler	Statesville	Iredell.
27	Frank C. Hairston	Fork Church	Davic.
28	J. C. Newsom	King	Stokes
29	H. T. Campbell	Vashti	Alexander.
29	D. A. Lowe	Lowesville	Lincoln
30	W. C. Fields	Sparta	Alleghany.
31	G. C. Eaves	Marion	McDowell.
31	W. L. Lambert	Bakersville	Mitchell.
32	M. H. Justice	Rutherfordton	Rutherford.
32	O. F. Mason	Dallas	Gaston.
33	T. J. Murray	Mars Hill	Madison.
33	W. J. Cocke	Asheville	Buncombe.
34	J. A. Franks	Almond	Swain.
35	Joel L. Crisp	Stecoah	Graham.

## OFFICERS.

NAME.	POSITION.	POST-OFFICE.
C. A. Reynolds	President	Winston.
C. C. Daniels	Principal Clerk	Wilson.
F. A. Clinard	Engrossing Clerk	Hickory.
J. B. Smith	Doorkeeper	Fayetteville.
M. W. White	Assistant Doorkeeper	Mount Mourne.
Walter Murphy	Reading Clerk	Salisbury.

## REPRESENTATIVES.

H. G. CONNOR, SPEAKER Wilson.

NAME.	POST-OFFICE.	COUNTY.
W. H. Carroll	Burlington	Alamance.
A. C. McIntosh	Taylorsville	Alexander.
James M. Gambill	Sparta	Alleghany.
James A. Leak	Wadesboro	Anson.
B. E. Reeves	Lanar	Ashe.
B. B. Nicholson	Washington	Beaufort.
F. D. Winston	Windsor	Bezie.
George H. Currie	Clarkton	Bladen.
D. B. McNeill	Supply	Brunswick.
Locke Craig	Asheville	Buncombe.
J. C. Curtis	Luther	Buncombe.
J. H. Hoffman	Morganton	Burke
L. T. Hartsell	Concord	Cabarrus.
S. L. Patterson	Yadkin Valley	Caldwell.
T. K. Abbott	South Mills	Camden.
T. B. Russell	Springle	Carteret.
C. J. Yarborough	Locust Hill	Caswell.
A. C. Boggs	Claremont	Catawba.
L. L. Wrenn	Siler City	Chatham.
J. A. Giles	Pittsboro	Chatham.
W. E. Mauney	Murphy	Cherokee.
W. D. Welch	Gliden	Chowan.
George M. Fleming	Hayesville	Clay.
Clyde R. Hocy	Shelby	Cleveland.
D. C. Allen	Armour	Columbus.
Isaac H. Smith	Newbern	Craven.
D. J. Ray	Endon	Cumberland.
H. McD. Robinson	Fayetteville	Cumberland.
S. M. Beasley	Poplar Branch	Currituck.
C. T. Williams	Avon	Dare.
C. M. Thompson	Lexington	Davidson.
G. L. White	Cana	Davie.
J. O. Carr	Kenansville	Duplin.
H. A. Foushee	Durham	Durham.
H. A. Gilliam	Tarboro	Edgecombe.
S. I. Hart	Heartsease	Edgecombe.
J. K. P. Carter	White Road	Forsyth.
William A. Lowery	Kernersville	Forsyth.
P. A. Davis	Laurel	Franklin.
L. H. J. Hauser	Cherryville	Gaston.
J. M. Trotman	Trotville	Gates.
O. P. Williams	Yellow Creek	Graham.
C. W. Bryan	Tar River	Granville.
A. A. Lyon	Lyons	Greene.
J. E. W. Sugg	Snow Hill	Guilford.
J. C. Kennett	Pleasant Garden	Guilford.
J. C. Bunch	Oak Ridge	Halifax.
H. S. Harrison	Medoc	Halifax.
W. P. White	Hobgood	Harnett.
D. H. McLean	Dunn	Haywood.
J. S. Davis	Ironduff	Henderson.
M. S. Justus	Blue Ridge	Hertford.
Isaac F. Snipes	Menola	Hyde.
C. W. Davis	Engelhard	Iredell
J. B. Holman	Cool Springs	Iredell
T. J. Williams	Moorestville	Jackson.
W. E. Moore	Webster	Johnston.
J. F. Brown	Farpsboro	Johnston.
D. G. Johnson	Benson	Jones.
G. C. Noble	Tuckahoe	Lenoir.
W. W. Carraway	Kinston	Lincoln.
J. F. Rheinhardt	Rheinhardt	Lincoln.
J. Frank Ray	Franklin	Macon.
A. B. Bryan	Marshall	Madison.
H. W. Stubbs	Williamston	Martin.
E. J. Justice	Marion	McDowell.
Heriot Clarkson	Charlotte	Mecklenburg.
R. M. Ransou	Huntersville	Mecklenburg.
J. E. Henderson	Mint Hill	Mecklenburg.

## REPRESENTATIVES—CONTINUED.

NAME.	POST-OFFICE.	COUNTY.
J. R. Pritchard	Elk Park	Mitchell.
W. A. Cochran	Troy	Montgomery.
J. L. Currie	Carthage	Moore.
Cicero Ellen	Rocky Mount	Nash.
George Rountree	Wilmington	New Hanover.
M. S. Willard	Wilmington	New Hanover.
W. C. Coates	Seaboard	Northampton.
S. M. Gattis	Hillshoro	Orange.
Frank Thompson	Jacksonville	Onslow
George Dees	Grantsboro.	Pamlico.
J. B. Leigh	Elizabeth City	Pasquotank.
Gibson James	Maple Hill	Pender.
F. H. Nicholson	Belvidere	Perquimans.
C. A. Whitfield	Yancey	Person.
W. J. Nicholls	Greenville	Pitt.
F. H. Barnhill	Grindool	Pitt.
J. W. McFarland	Poor's Ford	Polk.
T. J. Redding	Carraway	Randolph.
J. M. Burrow	Ashboro	Randolph.
H. C. Wall	Rockingham	Richmond.
Hector McLean	Laurinburg	Richmond.
G. B. Patterson	Maxton	Robeson.
J. S. Oliver	Affinity	Robeson.
J. H. Lane	Leaksville	Rockingham.
J. R. Garrett	Lenox Castle	Rockingham.
Lee S. Overman	Salisbury	Kowan.
D. R. Julian	Salisbury	Rowan.
J. F. Alexander	Forest City	Rutherford.
R. M. Crumpler	Ora	Sampson.
C. H. Johnson	Ingold	Sampson.
J. M. Brown	Albemarle	Stanly.
R. J. Petree	Germanton	Stokes.
W. W. Hampton	Dobson	Surry.
R. L. Leatherwood	Bryson City	Swain.
G. W. Wilson	Davidson's River	Transylvania.
William Maitland	Columbia	Tyrrell.
R. L. Stevens	Monroe	Union
J. Y. Eaton	Henderson	Vance.
J. D. Bou-shall	Raleigh	Wake.
G. T. Powell	Raleigh	Wake
W. H. Holland	Varina	Wake.
W. B. Council	Boone	Watauga.
J. H. Wright	Churchill	Warren
T. I. Tarkenton	Mackey's Ferry	Washington.
W. R. Allen	Goldsboro	Wayne.
J. M. Wood	Goldsboro	Wayne.
E. B. Hendren	Brushy Mount	Wilkes.
W. A. Tharpe	Byrd	Wilkes.
H. G. Connor	Wilson	Wilson.
H. S. Williams	East Bend	Yadkin.
W. M. Austin	Burnsville	Yancey.

## OFFICERS.

NAME.	POSITION.	POST-OFFICE.
H. G. Connor	Speaker	Wilson.
Brevard Nixon	Principal Clerk	Charlotte.
W. W. Willson	Reading Clerk	Raleigh
J. S. Elmore	Engrossing Clerk	Bryson City.
W. R. Stallcup	Doorkeeper	Franklin.
E. B. Norvell	Enrolling Clerk	Murphy.



# CAPTIONS

OF THE

## PUBLIC LAWS,

### SESSION 1899.

CHAP.	PAGE.
1. An act to revise, consolidate and amend the insanity laws of this state,	3
2. An act to repeal chapter four hundred and sixty-four of the public laws of eighteen hundred and ninety-seven,	26
3. An act to appoint the members of the "county board of school directors" in the various counties of the state,	27
4. An act to repeal chapter five hundred and four (504) of the public laws of one thousand eight hundred and ninety-seven, relating to the protection of fish in Alleghany county,	29
5. An act to appoint a committee to investigate the management of the state penitentiary,	30
6. An act to repeal chapter fifty-two of the acts of eighteen hundred and ninety-seven, public laws, and to create the office of enrolling clerk of both houses of the general assembly,	31
7. An act in regard to the pay of the clerks and other employees of the general assembly,	32
8. An act to repeal chapter two hundred and three, public laws eighteen hundred and ninety seven, entitled "An act regulating the procuring and distribution of dead bodies for the promotion of medical science,"	32
9. An act for the appointment of commissioners of navigation for Old Topsail inlet [and] Beaufort harbor,	33
10. An act to give consent by the state of North Carolina to the acquirement by the United States, by purchase or condemnation, of such lands as may be required for the establishment of a fish cultural station in said state,	34
11. An act to raise revenue,	35
12. An act to change the name of Chockowinity creek,	62
13. An act to amend section two thousand one hundred and fifty-nine of The Code,	62
14. An act to amend chapter three hundred and thirty-five, laws of eighteen hundred and ninety-five,	62
15. An act to provide for the assessment of property and the collection of taxes,	63
16. An act to repeal chapter one hundred and fifty-nine of the public laws of eighteen hundred and ninety-five, and chapter one hundred and eighty-five of the public laws of eighteen hundred [and] ninety-seven,	106
17. An act to provide a short form for agricultural liens and chattel mortgages, and to prescribe the fees for probating and registering the same.	107
18. An act to amend chapter thirteen, of the laws of one thousand eight hundred and ninety seven, entitled "An act to provide for and promote the oyster industry of North Carolina," ratified the twenty third day of February, one thousand eight hundred and ninety-seven,	110
19. An act to provide for the general supervision of the shell-fish industry of the state of North Carolina,	111
20. An act supplemental to an act ratified the second day of March eighteen hundred and ninety nine, entitled "An act to provide for the general supervision of the shell-fish industry of North Carolina,"	116

CHAP.	PAGE.
21. A supplemental act to an act entitled "An act to provide for the general supervision of the shell-fish industry of the state of North Carolina" and ratified on March second, eighteen hundred and ninety-nine.	116
22. An act to incorporate the Roanoke Railroad and Bridge Company,	117
23. An act to repeal chapter three hundred and thirty one (331) of the public laws of eighteen hundred and ninety-seven,	119
24. An act to incorporate the State's Prison of North Carolina, and to provide for the government thereof,	119
25. An act to amend section two thousand and seventy-nine of The Code of North Carolina,	122
26. An act to extend the charter of Fairfield Canal and Turnpike Company,	122
27. An act to incorporate The African Aid and Burial Society of North Carolina,	123
28. An act to authorize the publication of the sketches of North Carolina regiments,	124
29. An act to amend section one thousand two hundred and eighty five of The Code,	124
30. An act to appoint a joint committee to investigate the agricultural department, the state treasurer's office and the charitable institutions of the state,	125
31. An act to amend chapter sixty-eight of the public laws of one thousand eight hundred and ninety-seven,	126
32. An act to repeal chapter five hundred (500) of the laws of eighteen hundred and ninety seven,	127
33. An act to regulate quo warranto proceedings,	127
34. An act to unite the Richmond, Petersburg and Carolina Railroad Company, and for other purposes,	127
35. An act to ratify, confirm and approve the organization and incorporation of the South Carolina and Georgia Extension Railroad Company of North Carolina, to grant it certain powers, to authorize it to consolidate with other railroad companies, and to grant certain powers to any such consolidated company,	129
36. An act to appoint a committee to investigate the condition and management of the Agricultural and Mechanical College for the colored race at Greensboro, North Carolina,	134
37. An act to amend section three thousand six hundred and thirty five of The Code, reducing the price of Supreme Court Reports from two dollars to one dollar and fifty cents per volume,	135
38. An act to repeal chapter one hundred and fifty, public laws of eighteen hundred and ninety seven, in regard to the Atlantic and North Carolina Railroad,	135
39. An act to amend chapter three hundred and twenty-nine of the private laws of eighteen hundred and ninety-five,	136
40. An act to amend senate bill two hundred and thirty five,	136
41. An act to repeal chapter fifty-one of the acts of the general assembly of eighteen hundred and ninety seven, entitled "An act to prevent the fishing of certain nets in the Albemarle Sound, and in the rivers emptying therein," and for other purposes,	137
42. An act to repeal section thirteen hundred and thirty-three (1333), chapter thirty-one (31) of volume one of The Code of North Carolina,	138
43. An act to amend chapter sixty-five (65) of the public laws of eighteen hundred and ninety five,	139
44. An act to amend section two thousand nine hundred and forty-one of The Code, and to facilitate the restoration to the rights of citizenship in certain cases,	139
45. An act relating to the department of agriculture, and taking from the board of commissioners of said department the power to contract for buildings,	140
46. An act to prohibit hunting on any lands in Gaston and Catawba counties except by consent of owner,	140
47. An act to prevent the spreading of disease among hogs and fowls in Edgecombe and Gates counties,	141
48. An act to incorporate the East Tennessee and Western North Carolina Railroad Company,	141
49. An act to amend chapter one hundred and five of public laws of eighteen hundred and ninety five,	144
50. An act to validate certain oaths,	145

CHAP.	PAGE.
51. An act supplemental to an "Act to incorporate the State's Prison, and provide for the government thereof," ratified the twenty sixth day of January, eighteen hundred and ninety-nine	146
52. An act to amend chapter thirty-five of the public laws of the general assembly of eighteen hundred and ninety-seven, entitled "An act to amend section twenty-two hundred and two (2202) of The Code of North Carolina,"	146
53. An act to repeal chapter five hundred and ten of the public laws of eighteen hundred and ninety seven,	146
54. An act to regulate fire insurance and other companies,	147
55. An act to amend section two thousand one hundred and fifty five of The Code relating to the probate of wills,	191
56. An act for the relief of sheriffs,	192
57. An act in relation to bankrupts,	192
58. An act to provide for the investigation of incendiary fires,	193
59. An act to prohibit hunting, fishing, trapping or netting game of any kind upon the lands of another in Alamance and Moore counties.	195
60. An act to change the inscription on the corner-stone of the new buildings of the North Carolina Institution for Blind,	196
61. An act to prohibit hunting birds in Buncombe, Lincoln and Iredell counties,	196
62. An act to provide a manner in which foreign corporations may become domestic corporations,	197
63. An act to amend chapter three hundred and fourteen of the public laws of eighteen hundred and ninety-seven,	198
64. An act to amend chapter forty-nine of The Code of eighteen hundred and eighty three,	199
65. An act to amend sections five hundred and eighty-one and five hundred and eighty-two of The Code,	199
66. An act to validate certain probates and registrations,	200
67. An act to amend chapter one hundred and fourteen of the public laws of eighteen hundred and ninety five,	200
68. An act to amend chapter thirty-eight of The Code in regard to the Board of Internal Improvements,	201
69. An act to amend section one hundred and fourteen of The Code of North Carolina,	201
70. An act to amend chapter one hundred and sixty-one of the laws of eighteen hundred and ninety-five, entitled "An act to confer jurisdiction of the probate of deeds in certain cases,"	202
71. An act to incorporate the "Beaufort and Pamlico Railroad Company,"	202
72. An act to amend chapter four hundred and twenty six of the public laws of eighteen hundred and ninety three,	206
73. An act to repeal chapter two hundred and seventeen, laws of eighteen hundred and ninety five, and chapter one hundred and nineteen, laws of eighteen hundred and ninety seven,	206
74. An act to amend chapter two hundred and ninety-seven of the public acts of eighteen hundred and ninety-five,	207
75. An act to amend section three thousand one hundred of The Code,	207
76. An act to provide for the free passage of fish in Mingo creek,	207
77. An act to ratify the consolidation of the Petersburg Railroad Company with the Richmond and Petersburg Railroad Company, under the name of the Atlantic Coast Line Railroad Company of Virginia, and to incorporate the said Atlantic Coast Line Railroad Company of Virginia in North Carolina,	208
78. An act to annual sections one hundred and forty-eight and one hundred and sixty-three of The Code of Civil Procedure of North Carolina removing disabilities of married women,	209
79. An act to repeal chapter sixty-six, volume two of The Code,	209
80. An act to authorize the commissioners of McDowell county to levy a special tax,	214
81. An act to allow the commissioners of Jones county to sell poor-house lands and appurtenances,	214
82. An act for the relief of certain children in the state,	215
83. An act to repeal chapter two hundred and seventy-one, public laws of eighteen hundred and ninety seven, in regard to the drainage of "Big Sugar" creek, in Mecklenburg county, North Carolina,	215

CHAP.	PAGE.
84. An act to amend chapter forty-nine of The Code,	216
85. An act to repeal chapter three hundred and sixty-one, public laws of eighteen hundred and ninety-seven,	216
86. An act to prevent the sale of adulterated and unbranded food, and to amend and make more effective the provisions of chapter one hundred and twenty-two, laws of one thousand eight hundred and ninety five,	216
87. An act to amend chapter seven of the public laws of eighteen hundred and ninety seven, to prevent public drunkenness,	220
88. An act to increase the number of commissioners for Perquimans county,	220
89. An act to allow the chairman of the board of commissioners and of the board of education to administer oaths in certain cases,	221
90. An act to repeal the February term of the circuit court of Madison county,	221
91. An act to correct grant number four thousand one hundred and sixty seven, Buncombe county,	222
92. An act to repeal an act to provide for the working of the public roads in Nash county,	222
93. An act to amend chapter thirty four of The Code, and chapter one hundred and eighty one of the laws of eighteen hundred and eighty nine	223
94. An act to amend chapter three hundred and ninety nine, laws of eighteen hundred and ninety one,	224
95. An act to repeal chapter three hundred and twenty-four of the public laws of eighteen hundred and ninety seven, relative to the working of the public roads of Halifax county,	224
96. An act to create graded schools in the town of Kinston, North Carolina,	225
97. An act to amend chapter three hundred and fifty-four of the laws of eighteen hundred and ninety-one, and the acts amendatory thereof, relative to working the roads of Graham county,	227
98. An act to establish a dispensary at Smithfield, North Carolina,	228
99. An act to repeal chapter four hundred and twenty-seven, public laws eighteen hundred and ninety-five, and chapter one hundred and sixty-two, public laws eighteen hundred and ninety-seven, as to Jones county only,	232
100. An act to repeal chapter one hundred and seventy one, public laws of eighteen hundred and ninety-five	232
101. An act to protect the public bridges of Clay county,	233
102. An act to amend chapter two hundred (200) public laws of one thousand eight hundred and ninety-seven (1897),	233
103. An act to increase the number of commissioners for New Hanover county,	234
104. An act to amend sections one hundred and ninety-six and one hundred and ninety-seven of The Code,	234
105. An act to change the boundary line between the counties of Ashe and Alleghany,	235
106. An act to correct land grant number six hundred and one,	235
107. An act to drain the lowlands of Muddy creek and its tributaries, in Forsyth and Davidson counties,	236
108. An act to elect a cotton weigher for the city of Charlotte,	238
109. An act to amend the stock law in Henderson county,	240
110. An act to provide for the cross-indexing of wills,	241
111. An act to authorize the commissioners of Watuga county to levy a special tax.	242
112. An act to provide for the management of the Colored Normal School at Franklinton, North Carolina,	242
113. An act to authorize and regulate an action or actions to test the right to the possession, custody and control of the property of the State's Prison, and the convicts confined therein,	244
114. An act to amend chapter one hundred and fifty-four public laws of eighteen hundred and ninety-one, relating to the lease of turpentine orchards,	245
115. An act to authorize the town of Elizabeth City to issue bonds and levy a special tax,	245
116. An act to amend chapter one hundred and ninety-four, public laws of eighteen hundred and ninety-five,	247
117. An act to supply certain counties with supreme court reports,	247
118. An act to authorize the commissioners of Clay county to borrow money, issue bonds and levy a special tax,	248
119. An act supplemental to "An act to improve the roads in Anson county,"	249

CHAP.	PAGE.
120. An act to prohibit shooting guns or pistols in the towns of Sparta, Alleghany county, and Jefferson, Ashe county,	250
121. An act to amend section one of chapter eighty-one, of public laws of eighteen hundred and ninety-seven,	250
122. An act relating to school district number three, Court House township, of Camden county,	251
123. An act to repeal chapter four hundred and thirty-eight, public laws of North Carolina of eighteen hundred and ninety-seven, the same being an act to create a public school district of the town of Rockingham, North Carolina,	251
124. An act to authorize the town of Durham to issue school bonds,	251
125. An act to secure a better drainage of Lockhart's creek, in Lincoln county,	254
126. An act to amend section six hundred and sixteen of The Code in relation of the service of process in actions of quo warranto,	256
127. An act to establish and provide for the organizing of the county of Scotland from the territory of Richmond county,	2. 6
128. An act to amend section three thousand eight hundred and six of The Code, in relation to government of cities and towns,	262
129. An act amendatory to the stock law in Jackson county,	262
130. An act to amend an act entitled "An act to repeal chapter fifty-one of the acts of the general assembly of eighteen hundred and ninety-seven"	263
131. An act to amend chapter one hundred and nine (109), public laws of eighteen hundred and ninety-seven,	263
132. An act to amend chapter two hundred and seventy, public laws of eighteen hundred and ninety-five,	264
133. An act to regulate shooting of wild fowl in Dare county,	264
134. An act entitled an act to repeal chapter one hundred and forty, of private laws of eighteen hundred and ninety-seven,	265
135. An act to repeal chapter sixty-four of the laws of eighteen hundred and ninety-seven, relating to live stock in Halifax county	266
136. An act to repeal chapter three hundred and one, laws of eighteen hundred and ninety-seven, relating to the stock law in Edgecombe county,	266
137. An act to repeal chapter two hundred and twenty-three of the laws of eighteen hundred and ninety-five,	267
138. An act to prevent fast riding and driving over bridges in Gaston county,	267
139. An act to repeal chapter one hundred and twenty-eight, public laws of eighteen hundred and ninety-seven, in relation to certain cotton weighers in Anson county.	267
140. An act to repeal chapter three hundred and sixteen of the laws of eighteen hundred and ninety-seven,	268
141. An act increasing the number of county commissioners for Jones county,	268
142. An act to repeal chapter two hundred and sixty-nine of the public laws of eighteen hundred and ninety-five,	269
143. An act to appoint a cotton weigher for the town of Dunn, Harnett county,	270
144. An act to provide for working public roads in Washington county,	271
145. An act for the better government of Hertford county,	273
146. An act for the relief of W. M. Watson, clerk of the superior court of Craven county,	274
147. An act to increase the number of commissioners of Edgecombe county,	274
148. An act to repeal chapter two hundred and ninety, of the public laws of eighteen hundred and ninety-seven, entitled "An act authorizing the commissioners of Buncombe county to elect a county auditor,"	274
149. An act for the relief of the superior court clerk of Clay county,	275
150. An act to repeal chapter ninety-nine of the laws of eighteen hundred and ninety-seven, entitled an act to establish a free ferry on Chowan river at Barfield,	275
151. An act to amend chapter two hundred and fifty-three, public laws of eighteen hundred and ninety-seven,	276
152. An act to repeal chapter five hundred and fifty-eight, laws of eighteen hundred and ninety-seven, and for the protection of certain birds in Camden county,	276
153. An act to increase the number of commissioners for Bertie county,	277
154. An act to encourage the killing of certain wild animals in Graham county,	277
155. An act to repeal chapter two hundred and twenty, public laws of eighteen hundred and ninety-seven, relative to cotton and peanut weighers for Edgecombe county,	277

CHAP.	PAGE.
156. An act to amend chapter one hundred and fifty-four, public laws eighteen hundred and ninety-seven,	277
157. An act to protect game in the county of Randolph,	278
158. An act to repeal chapter three hundred and sixty-seven (367), public laws of eighteen hundred and ninety-seven,	278
159. An act to authorize the county of Bertie to borrow money, issue bonds, and levy a special tax.	278
160. An act to promote temperance,	280
161. An act to amend section one thousand nine hundred and six of The Code,	281
162. An act to improve the roads in Arden county,	281
163. An act to repeal chapter two hundred and sixty-one, public laws of eighteen hundred and ninety-seven,	290
164. An act to establish the North Carolina Corporation Commission,	291
165. An act to amend chapter four hundred and eighty-four of the public laws of eighteen hundred and ninety-seven,	307
166. An act to provide a permanent system of government for Craven county,	308
167. An act for the better government of Caswell county,	308
168. An act to regulate the duties and powers of town constables, and validate proceedings based on process served by them,	309
169. An act to provide for the appointment of commissioners in Washington county,	310
170. An act to increase the number of commissioners of Craven county,	310
171. An act to repeal chapter one hundred and twelve (112) of the public laws of North Carolina, session of eighteen hundred and ninety-five (1895), and chapter one hundred and seventy-two (172) of the public laws of North Carolina, session of eighteen hundred and ninety-seven (1897), and restore Mount Airy township, in Surry county,	311
172. An act to amend chapter one hundred and eight, public laws of eighteen hundred and ninety-five,	313
173. An act to amend chapter three hundred and forty-five, public laws of eighteen hundred and ninety-five,	313
174. An act to provide for filling vacancies in the offices of Craven county,	314
175. An act to enable the board of county commissioners to revise the jury list of New Hanover county,	314
176. An act to alter the dividing line between White House and Britt's township, in Robeson county,	314
177. An act to protect fish in number eleven (11) township, Madison county,	315
178. An act appointing H. E. Markham a justice of the peace,	315
179. An act to provide for the appointment of justices of the peace in Beaver Dam township, Washington county,	316
180. An act to create an additional justice of the peace for Madison county, in number one township,	316
181. An act appointing L. G. L. Taylor a magistrate,	316
182. An act to confer police powers on deputy sheriffs at Haw River, in Alamance county,	317
183. An act to amend chapter two hundred and seventy-six, public laws of eighteen hundred and ninety-seven,	318
184. An act to amend chapter two hundred and thirty-three (233) of the public laws of eighteen hundred and ninety-seven (1897).	318
185. An act to amend chapter three hundred and fifty-three of the public laws of eighteen hundred and ninety-seven,	319
186. An act to repeal chapter one hundred and fourteen of the public laws of eighteen hundred and ninety-seven, establishing Muddy Creek township in McDowell county,	319
187. An act to increase the number of county commissioners of Rowan county, North Carolina,	320
188. An act for the relief of W. M. Watson, clerk of the superior court of Craven county,	320
189. An act to establish a dispensary at Jackson, North Carolina,	321
190. An act to appoint a constable in Mount Airy township, Surry county,	325
191. An act to repeal chapter two hundred and ten (210) of the public laws of eighteen hundred and ninety-five (1895),	325
192. An act to protect quail and other food birds in Madison county,	325

CHAP.	PAGE
193. An act to amend chapter one hundred and thirteen of the public laws of eighteen hundred and ninety five,	326
194. An act to change times of holding courts in Duplin county,	326
195. An act to protect the bridge over the Perquimans river at Hertford,	327
196. An act to protect game in Edgecombe county,	327
197. An act to prohibit fast driving over bridges in Pamlico county,	327
198. An act to correct a grant issued by the state of North Carolina on the twenty-ninth day of October, seventeen hundred and eighty-two, to William Kerebee, of Currituck County,	328
199. An act to authorize the county commissioners of Nash county to levy a special tax in certain stock law territory in that county,	329
200. An act to prohibit hunting on any lands in Halifax county except by written consent of owner,	329
201. An act to amend chapter one hundred and two, laws of eighteen hundred and seventy-three and eighteen hundred and seventy-four, in regard to drainage of Clark's creek, in Lincoln county,	329
202. An act to appoint additional justices of the peace in Hyde county,	330
203. An act to correct land grant number three thousand six hundred and forty-one Henderson county,	330
204. An act to elect Gaston Battle a justice of the peace for number seven township in Edgecombe county,	330
205. An act to regulate hunting in Davidson county,	331
206. An act for the relief of Oscar A. Durant, late treasurer of Brunswick county, and his sureties,	331
207. An act to regulate the bonds of officers of Craven county,	332
208. An act to amend chapter fifty-seven, laws of eighteen hundred and ninety-seven,	333
209. An act to amend chapter two hundred and forty-six of the laws of eighteen hundred and eighty-five,	334
210. An act to amend chapter two hundred and thirty-five of the public laws of eighteen hundred and ninety seven,	335
211. An act to amend chapter two hundred and seventy-seven of the public laws of eighteen hundred and ninety-five,	337
212. An act to pay to C. M. Rogers, late sheriff of Granville county, eighty-nine (\$89 02) and two one hundredth dollars, amount overpaid by him to the state treasurer of North Carolina, in settlement of the taxes due the state for the year eighteen hundred and ninety,	337
213. An act to direct the treasurer of Haywood county to pay school fund to Ida V. Love,	337
214. An act to authorize the treasurer of Gaston county to pay school claim,	338
215. An act for the relief of William B. Reeves, a public school teacher of Ashe county,	338
216. An act to authorize and direct the state treasurer to pay the mileage and per diem of the newly appointed directors of the State Prison,	339
217. An act to reduce the toll rates of the Brunswick Bridge and Ferry Company,	339
218. An act to amend the constitution of North Carolina,	341
219. An act to authorize the school committee of Rutherford school district, Rutherford county, to pay a back claim,	343
220. An act to abolish the "chain gang" system in Madison county,	343
221. An act for the relief of J. P. Leach, late sheriff of Montgomery county,	344
222. An act to pay various school claims in the county of Surry, out of school fund of said county,	345
223. An act for the relief of Miss Mollie V. Britt,	345
224. An act for the relief of B. F. Wilder, ex treasurer of Franklin county,	346
225. An act to amend chapter sixty-five of the public laws of eighteen hundred and ninety-five,	346
226. An act to repeal chapter three hundred [and] thirty of the public laws of eighteen hundred and ninety-five, entitled "An act to compel timber-getters in Tyrrell county to establish their lines before cutting timber,"	347
227. An act to repeal chapter fifty, public acts of eighteen hundred and ninety-five, and chapter eighty two, public acts of eighteen hundred and ninety-five, being acts relating to townships and precincts in Forsyth county,	347

CHAP.	PAGE.
228. An act to repeal chapter three hundred and eighty-one public laws of eighteen hundred and ninety-five, and to re-enact the provisions of chapter four hundred and seventy-five, public laws of eighteen hundred and ninety-three,	347
229. An act for the relief of Annette G. Hooper,	348
230. An act to provide for the payment of certain moneys to Miss L. L. Holt, of Johnston county,	348
231. An act to authorize the payment of public school teachers in Halifax county, for services rendered in eighteen hundred and ninety-seven,	349
232. An act to authorize the treasurer of Randolph county to pay a school claim,	349
233. An act to fix the salary of county treasurer of Buncombe county,	349
234. An act to extend the time for laying off and building the road provided for in chapter three hundred and sixty-four of the public laws of eighteen hundred and ninety-three,	350
235. An act relative to the probate of deeds and other instruments, and the private examination of married women,	350
236. An act to amend section two thousand three hundred and one, of chapter eight, volume two, of The Code,	359
237. An act in regard to issuing license to retail liquor in Wilkesboro, North Carolina,	359
238. An act to amend the law in relation to the cotton weigher of Salisbury, Rowan county,	360
239. An act to amend chapter seventy-seven (77) of the public laws of eighteen hundred and ninety-seven (1837), relative to hunting in Stokes county,	360
240. An act for the benefit of Rockingham county,	361
241. An act for the better government of Greene county,	362
242. An act to repeal chapter one hundred and seventy-six, public laws of eighteen hundred and ninety-five, and to re-enact and amend chapter four hundred and eighty-seven, public laws of eighteen hundred and ninety-one,	363
243. An act to authorize the state treasurer to pay to Mrs R. Z. Fewell the sum of twenty-one dollars and twenty-six cents	361
244. An act to repeal chapter five hundred, public laws of eighteen hundred and ninety-seven, relating to the working of the public roads in the counties of Greene, Wilson and Wayne,	364
245. An act to amend chapter two hundred and ninety one of the public laws of eighteen hundred and ninety seven,	365
246. An act to incorporate the Presbyterian church in Yanceyville, Caswell county (two miles)	367
247. An act to provide a short form for agricultural liens, and to prescribe the fees for probating and registering the same, in Johnston, Iredell and Columbus counties,	367
248. An act to authorize the commissioners of Moore county to fund the county indebtedness, issue bonds and levy a special tax,	369
249. An act to correct the date of the ratification of an act which is entitled "An act to amend section two thousand nine hundred and forty-one of The Code, and to facilitate the restoration to the rights of citizenship in certain cases,"	371
250. An act to regulate the public printing,	372
251. An act to provide for the indexing, side-notes and publication of the captions to laws and resolutions ratified by the general assembly of eighteen hundred and ninety-nine,	374
252. An act to authorize the building of a bridge across Ivy, at Palmer's ford, in Madison county,	375
253. An act to confer upon the board of internal improvements the power to appoint an agent to superintend and supervise the swamp lands,	375
254. An act to establish a dispensary in Greensboro,	376
255. An act to protect and utilize reclaimed swamp or low lands,	380
256. An act to improve the roads in New Hanover county,	381
257. An act to provide for working the public roads in Macon county and for other purposes,	387
258. An act to validate the registration of certain conveyances,	390
259. An act to amend chapter five hundred and nine of the laws of eighteen hundred and ninety-one, relative to the graded schools of Wilson township in Wilson county,	391
260. An act to appoint J. W. Johnson, D. B. Campbell, and David J. Ray, justices of the peace for Quewhipple township, Cumberland county,	391

CHAP.	PAGE.
261. An act to fix the fees of registers of deeds for recording crop liens and chattel mortgages,	392
262. An act to amend chapter thirteen of the public laws of eighteen hundred and ninety-seven,	392
263. An act to suppress the illegal sale of spirituous liquors in Mitchell county,	393
264. An act to repeal chapter one hundred and eighty of the laws of eighteen hundred and ninety-seven,	394
265. An act to amend chapter one hundred and forty-four, laws of eighteen hundred and ninety-five, in regard to levying a special tax for the county of Graham,	394
266. An act to establish graded schools in the town of Morgau'on,	395
267. An act in relation to the public school in the town of Mount Airy, and providing for the levying of a tax to support the same,	397
268. An act to establish a dispensary for the town of Madison, North Carolina,	400
269. An act for the establishment of a graded school in the town of Albemarle, Stanly county,	405
270. An act to change the boundary line between Grassy Creek and Hiltou townships, in Ashe county,	408
271. An act to authorize the commissioners of Carteret county to apply certain surplus funds to the payment of current expenses and floating debt,	408
272. An act to extend the time for the settlement of state and county taxes of Buncombe county,	409
273. An act to amend section twelve of chapter four hundred and ten of public laws of eighteen hundred and ninety seven in relation to dispensary at Rutherfordton,	409
274. An act to authorize the commissioners of Transylvania county to levy a special tax to meet general indebtedness,	410
275. An act for the relief of Annie L. Winston, of Caswell county,	410
276. An act to establish a dispensary at Clayton, North Carolina,	411
277. An act to provide for proving town ordinances on appeal from mayor's court,	414
278. An act for better roads in Wake county,	415
279. An act to prevent hunting on lands in Rowan county without consent of owner of land,	415
280. An act to prevent the ranging of live stock in Graham county by non-residents,	416
281. An act to prohibit the manufacture and sale of spirituous liquors within three miles of Centre Presbyterian church, Davidson township, in Iredell county,	417
282. An act to change the name of Shelter creek, in Pender county,	417
283. An act to more effectually protect schools and religious gatherings in Jackson county,	417
284. An act for the relief of S. D. Dellinger, of Yancey county,	418
285. An act to protect mountain trout in Graham, Watauga, Cherokee, Clay, Macon, Haywood counties,	418
286. An act to repeal chapter two hundred and seven of the public laws of eighteen hundred and ninety-five, and chapter one hundred and seventy-three of the public laws of eighteen hundred and ninety seven, and to provide for the working and improvement of the public roads in Watauga, Ashe and Alleghany counties,	419
287. An act to prevent the obstruction of Ward's creek or its tributaries, in number eleven township, Cleveland county,	431
288. An act to prevent felling timber in certain streams of Iredell county,	431
289. An act to amend chapter one hundred and seventy-two of the public laws of eighteen hundred and ninety one, in regard to hunting birds in Alexander county,	432
290. An act to provide a stock law for New Hanover county,	432
291. An act to regulate the fees of cotton weigher of the city of Statesville,	433
292. An act to authorize the board of commissioners of Anson county to levy a special tax,	434
293. An act to abolish the criminal circuit court composed of the counties of Buncombe, Madison, Haywood, Henderson and McDowell,	434
294. An act authorizing the secretary of state to issue a land grant to Milton Moss, Jr.,	435
295. An act to prohibit the sale of wine, bounce or medicated bitters in Poplar Branch township, in Currituck county,	436
296. An act to prevent the obstruction of the waters of Jonathan's creek in Haywood county,	436
297. An act to increase the number of county commissioners of Wake county, and for other purposes,	437
298. An act to allow the board of commissioners of Robeson county to work convicts upon the public roads of said county,	438
299. An act to amend chapter one hundred and forty-five of the public laws of eighteen hundred and ninety-seven,	439
300. An act to authorize the commissioners of Haywood county to levy a special tax,	440
301. An act to give Granville county two additional commissioners,	440

CHAP.	PAGE.
302. An act to amend and add to section three thousand six hundred and fifty-four of The Code, as to the registration of deeds,	441
303. An act to amend chapter three hundred and fifty-three, public laws of eighteen hundred and ninety-five, and to repeal chapter four hundred and thirty-five, public laws of eight een hundred and ninety seven,	441
304. An act regulating the fees for recording and probating crop liens in Bertie, Hertford and Northampton counties,	442
305. An act to amend section two. of chapter three hundred and sixty two of the public laws of eighteen hundred and eighty-nine,	442
306. An act to restore to the Caldwell and Watauga Turnpike Company that portion of its road from near Patterson, North Carolina, to the incorporate limits of Lenoir, North Carolina,	443
307. An act to authorize the commissioners of Forsyth county to levy a special tax for paying the court-house debt, and for other purposes,	443
308. An act to authorize Rutherford county to levy a special tax to pay back indebtedness of the county,	444
309. An act to provide for the collection of certain delinquent and unlisted taxes in Wilkes county,	444
310. An act to regulate fishing in Bachelors bay and the Albemarle sound, and to amend chap- ter two hundred and forty-five of the public laws of North Carolina, session eighteen hundred and ninety-five,	445
311. An act for the better government of the deaf and dumb and the blind,	446
312. An act to repeal chapter one hundred and seventy six, public laws of eighteen hundred and ninety-seven,	447
313. An act to make it unlawful to fell trees in the following named streams of Cherokee and Clay counties, to wit: Shooting creek, Tusquittee creek, and Hiawasee river, in Clay county, and Hanging-dog creek, Valley river, Notla river, and Hiawasee river, in Cher- okee county,	447
314. An act to permit W. T. Cross, clerk of the superior court of Gates county, to absent himself from his office on certain days,	447
315. An act to levy a special tax in Alleghany county.	448
316. An act to change the line between McNeill's and Greenwood townships, in Moore county,	449
317. An act to establish a dispensary in the town of Lexington,	449
318. An act to amend an act to prohibit live stock from running at large in Cross Creek town- ship, Cumberland county,	452
319. An act to change the voting place and boundary line of Walnut Hill township, in Ashe county,	453
320. An act to amend chapter two hundred and eighty-seven, public laws of eighteen hundred and ninety-one, relating to the sale of baled cotton,	454
321. An act for the relief of Enoch Rector, treasurer of Madison county,	454
322. An act to prevent the obstruction of the waters of Fishing creek, in Wilkes county,	455
323. An act to prevent the obstruction of navigation on North river and Currituck sound, in Currituck county, by timber-getters,	455
324. An act for the relief of F. M. Straghan, janitor of the capitol,	456
325. An act to regulate the sale of spirituous liquors in Macon county, and to provide for a dis- pensary,	456
326. An act to allow the commissioners of Gates county to levy a special tax,	461
327. An act to extend the stock law in Chatham county,	462
328. An act to authorize the issue of bonds by Raleigh township for school purposes,	463
329. An act to establish a graded school in a new district in the town of Dobson and provide for a special assessment of taxes and authorize said district to issue bonds,	465
330. An act to make Neuse river in Johnston county a lawful fence,	469
331. An act to protect the fish of Transylvania county,	469
332. An act to change the time of holding the spring term of Nash county criminal court,	469
333. An act to provide for the appointment of additional commissioners of Warren county,	470
334. An act supplemental to an act ratified January eighteenth, eighteen hundred and ninety- nine, entitled "An act to provide for working public roads in Washington county,"	470
335. An act to amend chapter sixty-seven, public acts eighteen hundred and eighty-seven, in and for the better protection of mechanics and laborers,	471

CHAP.	PAGE.
336. An act to increase the number of terms of the superior court held in Pasquotank county from two to four,	471
337. An act to authorize the treasurer of Cherokee county to pay Miss Effie V. Welch the sum of eleven dollars and ninety cents,	472
338. An act to pay Lillian Hill money due by Randolph county for teaching district school number fifteen, new, old number seventy-nine,	472
339. An act to amend section one of chapter five hundred and one of the public laws of eighteen hundred and ninety three,	473
340. An act to amend chapter one hundred and forty nine, public laws of eighteen hundred and eighty five, to drain the lowlands lying in the counties of Rowan, Davidson, Davie and Catawba,	473
341. An act to appoint a cotton weigher for the town of Enfield,	473
342. An act to provide an appropriation of five thousand dollars for the immediate incidental expenses of the State's Prison,	475
343. An act to change the township lines of certain townships in Alamance county,	475
344. An act to prohibit the manufacture and sale of spirituous liquors within three miles of Holt's chapel, at Glencoe Cotton Mills, in Alamance county,	476
345. An act to authorize the board of commissioners for Jackson county to settle with John E. McLain and his sureties and R. F. Allison and his sureties,	476
346. An act to increase the number of commissioners for Northampton county,	477
347. An act to establish a dispensary in Clinton, North Carolina, and to regulate the sale and manufacture of liquor in Sampson county,	477
348. An act to improve road and establish a toll-gate on the Mulberry Gap road,	482
349. An act for the relief of the commissioners of the town of Leaksville, in Rockingham county, North Carolina,	484
350. An act to amend section one of chapter one hundred and forty-one of the public laws of eighteen hundred and ninety seven,	485
351. An act to empower the commissioners of Swain county to issue bonds for the purpose of paying off the indebtedness of said county, contracted and incurred by said county for the necessary expenses thereof,	485
352. An act to prohibit hunting on any lands in Surry county except by permission of owners,	488
353. An act to provide for working the public roads of Cumberland county,	488
354. An act to prevent persons hunting birds or any other game on another person's land in Wake county without their consent,	491
355. An act to provide for the care and treatment of the insane and inebriate Croatan Indians,	492
356. An act to validate all stock law elections heretofore held in Johnston county, and to give the county commissioners control of all stock law territories in said county,	492
357. An act for the better government of Forsyth county,	494
358. An act to allow Tyrrell county to levy special tax,	495
359. An act to allow the board of commissioners for Jackson county to levy a special tax,	497
360. An act to prohibit hunting or fishing on any lands in Wilkes county except by consent of owner,	497
361. An act to repeal chapter four hundred and twenty-nine, public laws of eighteen hundred and ninety-five,	498
362. An act in relation to public schools in the town of Maxton,	498
363. An act to levy a special tax for Ashe county,	500
364. An act to allow the board of commissioners of Greene county to levy a special tax,	501
365. An act to allow Lincoln county to levy a special tax,	501
366. An act to fix the time for holding courts of Robeson county,	502
367. An act to appoint justices of the peace for certain counties in North Carolina,	502
368. An act to establish a dispensary at Seaboard, in Northampton county,	504
369. An act supplemental to an act entitled "An act to prevent the sale of adulterated and mis-branded food, and to make more effective the provisions of chapter one hundred and twenty-two, public laws of eighteen hundred and ninety five,"	508
370. An act to provide for the government of the "North Carolina College of Agriculture and Mechanic Arts."	509
371. An act to establish the western district criminal court,	511
372. An act to amend chapter one hundred and fifty one of the public laws of eighteen hundred and ninety-seven, concerning the election of cotton weighers for the city of Raleigh,	518

CHAP.	PAGE.
373. An act to establish a bureau of labor and printing,	519
374. An act to abolish the county board of education,	521
375. An act relating to the public roads in Lexington township and other townships in Davidson county, and extending certain provisions of the Mecklenburg road law to said townships,	521
376. An act to empower the county commissioners of Pitt county to levy a special tax,	525
377. An act to repeal chapter eighty five, laws of eighteen hundred and ninety-seven, and to reform the department of agriculture, immigration and statistics,	526
378. An act for the better drainage of lowlands in Gaston and Lincoln counties,	534
379. An act to authorize the commissioners of Beaufort county to levy a special tax,	535
380. An act to change the time of holding superior court in the counties of Macon, Clay, Cherokee, Graham and Swain in the twelfth judicial district,	535
381. An act to repeal chapter seventy-five (75) public laws of eighteen hundred and ninety-one,	536
382. An act for the better drainage of the lowlands in Forsyth county,	537
383. An act to authorize the county of Nash to levy a special tax,	539
384. An act to promote the comfort of travellers on railroad trains, and for other purposes,	539
385. An act to change the time of holding the courts of Union and Stanly counties,	540
386. An act for the relief of George A. Gash, of Henderson county,	541
387. An act to amend chapter five hundred and seventy-one, public laws of the year eighteen hundred and ninety-one, relating to the free passage of fish in the Yadkin river,	542
388. An act to extend the time to compromise, commute and settle the state debt,	542
389. An act to amend chapter five hundred and forty-nine of the public laws of eighteen hundred and ninety-one,	543
390. An act to amend an act to establish and provide for the militia and for the support and maintenance of the state guard, ratified March sixth, eighteen hundred and ninety-three,	543
391. An act to extend the time of settlement of the county taxes of Martin county,	546
392. An act to repeal chapter one hundred and fifty-seven (157) of the public laws of eighteen hundred and ninety-five, relating to the elections of justices of the peace,	546
393. An act to repeal chapter four hundred and twenty-one, public laws of eighteen hundred and ninety-seven,	546
394. An act to appoint C. Thompson a justice of the peace in Bryan township, Surry county,	547
395. An act to appoint justices of the peace for Johnston county,	547
396. An act to amend section one thousand three hundred and eight of The Code,	547
397. An act to provide for trustees of the Colored Normal School at Goldsboro,	548
398. An act to provide a local board of managers of the State Colored Normal School at Fayetteville,	548
399. An act for the relief of certain ex-Confederate soldiers, and widows of such soldiers,	549
400. An act to place Mrs. Emily Page, of Robeson county, on the pension list,	550
401. An act for the protection of the executor and commissioners of the estate of the late Dr. John C. Terrell, of Person county,	550
402. An act to authorize the treasurer of Surry county to pay a certain school claim,	550
403. An act for the relief of Lizzie York,	551
404. An act to prevent dutch net fishing in Bath creek and its tributaries,	551
405. An act to regulate fishing in Big and Little Flatty creeks,	552
406. An act for the relief of W. M. Peele of Wayne county,	552
407. An act to protect partridges in Richmond county,	
408. An act to allow the board of county commissioners of Hyde county to levy a special tax,	553
409. An act to establish graded schools in the town of Washington,	553
410. An act to make labor day a legal holiday,	557
411. An act to continue in force chapter four hundred and forty-six of the laws of eighteen hundred and ninety-seven,	557
412. An act supplemental to an act entitled "An act to regulate fishing in Bachelor's bay and the Albemarle sound, and to amend chapter two hundred and forty-five of the public laws of North Carolina, session eighteen hundred and ninety-five."	558
413. An act to repeal chapter four hundred and thirty three of the public laws of eighteen hundred and ninety-five,	558
414. An act to amend section two thousand eight hundred and sixteen of The Code,	558

CHAP.	PAGE.
415. An act to allow the commissioners of Wilkes county to levy a special tax,	559
416. An act to amend chapter two hundred and ninety-seven, laws of eighteen hundred and eighty-five to increase the no-fence territory in the county of Pitt, near the Greene county line,	559
417. An act to authorize the commissioners of Alexander county to levy a special tax to build a court-horse and jail,	560
418. An act relative to trials by justices of the peace in New Hanover county,	561
419. An act to provide for the appointment of a cotton-seed weigher for the town of Franklin-ton,	562
420. An act to repeal chapter two hundred and sixty-nine of the public laws of eighteen hundred and ninety-seven,	563
421. An act to repeal chapter two hundred and sixty-two, public acts of eighteen hundred and ninety-seven,	563
422. An act to amend chapter one hundred and forty-five, public laws eighteen hundred and ninety-seven,	563
423. An act to repeal chapter three hundred and seven of the public laws of eighteen hundred and ninety-seven, and to change certain counties in the seventh, eighth and ninth congressional districts,	564
424. An act to authorize the commissioners of Caldwell county to levy a special tax to build a jail,	564
425. An act to appoint justices of the peace for Harnett county,	565
426. An act for the protection of poultry and birds in Davidson county,	566
427. An act to pay George S. Leeper, colored, for teaching public school in Gaston county,	566
428. An act to authorize the appointment of William P. Ledbetter, the surveyor of Anson county, deputy clerk of the supe for court of Anson county,	567
429. An act to provide for a stock law fence in a certain district in Beaufort county,	567
430. An act to amend the charter of the Concord graded school,	570
431. An act to amend chapter forty of the acts of eighteen hundred and ninety-five, regulating the holding of courts in Randolph county,	571
432. An act to amend chapter four hundred and eleven, public laws of eighteen hundred and ninety seven, in relation to Bethlehem church, in Pitt county,	571
433. An act to repeal chapter three hundred and fifty-two of laws of eighteen hundred and eighty-five,	571
434. An act to make Runyon's or Snod's creek, in Beaufort county, a lawful fence,	572
435. An act to amend chapter one hundred and forty-five of the public laws of eighteen hundred and ninety-seven,	572
436. An act to restore concurrent criminal jurisdiction to the superior courts of Warren county,	573
437. An act to establish a stock law in certain portions of Nash county,	573
438. An act to authorize the commissioners of Caswell county to levy a special tax,	574
439. An act to regulate the shooting of wild fowl in the waters of Carteret county,	575
440. An act to regulate fishing in the waters of New Hanover county,	576
441. An act to repeal chapter eighteen of the laws of eighteen hundred and eighty-three,	576
442. An act to amend chapter three hundred and ninety-nine of the public laws of eighteen hundred and ninety-three,	577
443. An act to repeal chapter five hundred and forty-four of the laws of eighteen hundred and ninety-one, suspending the operation of chapter forty-nine of The Code of North Carolina in certain cases, and repealing certain provisions of other acts,	577
444. An act to authorize school districts to pay for making out tax lists of property listed for taxation in such district for special school purposes,	578
445. An act authorizing the board of directors of the State's Prison to complete the Quaker Bridge road through the White Oak pocosin, in Onslow and Jones counties,	578
446. An act to authorize the commissioners of Person county to issue bonds to pay indebtedness of the county,	579
447. An act to authorize and empower the speaker of the house to appoint three commissioners to represent the state of North Carolina at the Paris exposition in nineteen hundred,	580
448. An act to change the time of holding the superior courts of Wilson county,	581
449. An act to provide for the building and keeping in repair the public roads in Polk county,	581
450. An act to increase the number of commissioners for Lincoln county,	583

CAP.	PAGE.
451. An act to authorize the secretary of state to furnish the clerk of the superior court of Clay county with certain volumes of supreme court reports,	584
452. An act supplemental to an act entitled "An act relating to the department of agriculture, and taking from the board of commissioners of said department the power to contract for buildings,"	584
453. An act to prohibit the throwing of sawdust in the waters of Swain, Henderson, Madison and Transylvania counties,	584
454. An act for the relief of John C. McLaughlin, clerk of the superior court of Anson county,	585
455. An act relating to the public schools of Buncombe county,	585
456. An act to protect the public roads of Camden county, N. C.,	586
457. An act to amend section three thousand four hundred and forty-five of The Code,	586
458. An act to establish a school district out of part of Ashe and Alleghany counties,	587
459. An act to establish Mars Hill township in the county of Madison,	588
460. An act to amend the charter of Concord,	588
461. An act to permit judgments by default at any criminal term of Durham superior court,	589
462. An act to amend section six of chapter two hundred and thirty-five, laws of eighteen hundred and eighty-nine,	599
463. An act supplemental to an act ratified at the present session of the general assembly, "An act to provide a short form for agricultural liens and to prescribe the fees for probating and registering the same in Johnston, Iredell and Columbus counties,"	599
464. An act to appoint additional justices of the peace in and for Edgecombe county,	590
465. An act to prohibit fishing in the mouth of Frying Pan creek in Tyrrell county,	592
466. An act to establish a stock law in all that portion of North Whitaker's township, Nash county, not now covered by stock law,	592
467. An act to provide for the election of county commissioners for Johnston county,	593
468. An act to authorize Monroe township in Union county to issue bonds for the improvement of the public roads of said township,	593
469. An act to regulate the time of holding the superior courts of Cabarrus and Montgomery counties,	598
470. An act to appoint additional magistrates for Lenoir county,	599
471. An act to establish the eastern district criminal court,	599
472. An act to establish public schools in Chadbourn township, with a special tax supplemental thereto,	608
473. An act to amend chapter one hundred and twenty-two of the public laws of eighteen hundred and ninety-seven,	612
474. An act to repeal chapter four hundred and sixteen of the public laws of eighteen hundred and ninety-five, in regard to birds of Iredell county,	612
475. An act to increase the number of commissioners of Pamlico county,	612
476. An act to change the time of holding superior court in the county of Franklin,	613
477. An act for the protection of fish and game in Steele's township, Richmond county,	614
478. An act to regulate the holding of inquests in Northampton county,	614
479. An act to amend chapter forty-one, public laws of eighteen hundred and ninety-seven,	614
480. An act to prohibit the sale of liquors in the county of Columbus, and to provide for a dispensary at the town of Whiteville,	615
481. An act to protect the Fries Electrical and Power Plant of Forsyth county,	621
482. An act to provide for the appointment of the janitor of the supreme court building,	622
483. An act to provide a dispensary for the county of Warren,	622
484. An act to authorize the condemnation of foot paths to school houses in Durham county,	628
485. An act to establish graded schools in the town of Waynesville, and to provide for the issuance of bonds for electric lights,	629
486. An act in relation to the public school in the town of Pilot Mountain, North Carolina, and providing for the levying of a tax to support the same,	638
487. An act to revise and consolidate the stock law in Robeson county,	634
488. An act to restore good government to the counties of North Carolina,	641
489. An act to authorize the board of county commissioners of Camden county, North Carolina to levy a special tax,	642
490. An act to authorize the board of county commissioners of Cabarrus county to issue bonds,	642
491. An act to amend chapter two hundred and eighty-eight, acts of eighteen hundred and ninety-five, public laws, relating to the spring terms of the superior courts of Bertie and Craven counties,	644

CHAP.		PAGE.
492.	An act for the protection of oysters in Topsail sound, Pender county, North Carolina,	645
493.	An act to amend chapter four hundred and forty-nine of the public laws of eighteen hundred and ninety-seven, the same being an act to regulate the sale of liquors in Union county,	646
494.	An act to amend section two thousand three hundred and twenty of The Code,	648
495.	An act to amend section three thousand four hundred and ten of The Code,	648
496.	An act to permit the qualified voters of the town of Morganton to vote both upon the question of licensing saloons and selling liquors only through a dispensary,	649
497.	An act to amend section three thousand seven hundred and ninety-seven of The Code,	650
498.	An act to regulate the sale of spirituous liquors in the town of Beaufort, in Carteret county,	651
499.	An act to amend an act entitled "An act to authorize the board of commissioners of Beaufort county to issue bonds and levy a special tax center." being chapter two hundred and forty-five of the laws of eighteen hundred and ninety-seven, and ratified the fifth day of March, eighteen hundred and ninety-seven,	651
500.	An act to authorize the board of commissioners of Burke county to build a bridge across the Catawba river, where said river is the county line, if they deem it necessary,	652
501.	An act to amend section three thousand six hundred and sixty-four of The Code,	652
502.	An act to change and regulate the times of holding the superior courts of the twelfth judicial district,	653
503.	An act to authorize the commissioners of Caldwell county to build a jail,	654
504.	An act to establish Washington avenue supplemental school district,	655
505.	An act for the relief of J. N. Edwards, clerk superior court of Alleghany county, North Carolina,	658
506.	An act to repeal the railroad commission,	658
507.	An act to regulate elections,	658
508.	An act in regard to removal of cases from one county to another,	687
509.	An act to provide for improvements at the State Normal and Industrial College,	688
510.	An act to make it unlawful for live stock to run at large in certain portions of Cumberland county,	688
511.	An act to regulate the times for holding the superior courts for the sixth judicial district,	690
512.	An act to authorize the commissioners of Duplin county to levy a special tax for the purpose of building a causeway across Goshen swamp,	691
513.	An act to permit the sale of liquors on the Atlantic hotel property in Morehead City, North Carolina,	691
514.	An act to provide the manner of elections and the registration of voters in cities and towns, and for elections upon local questions in counties and townships,	692
515.	An act to appoint additional justices of the peace in certain townships in North Carolina,	697
516.	An act to ratify and confirm the laying out and establishing of a public road from a point in the Boone and Blowing Rock Turnpike road near Joe Winkler's, thence by way of Teague's mill to the junction of the Caldwell and Watauga and the Yonahlossee Turnpike roads,	708
517.	An act to establish a road from Nathan Weaver's, in Alleghany, through Ashe county, to the Virginia state line, near Lee Lane's residence,	709
518.	An act to authorize the township of Mount Airy, in Surry county, to issue refunding bonds,	710
519.	An act to elect justices of the peace for Stokes county,	712
520.	An act to abolish the criminal circuit, composed of the counties of Buncombe, Madison, Haywood, Henderson and McDowell,	713
521.	An act to prohibit fishing in Black river, in Pender county, for two years,	713
522.	An act to appoint William H. Long a justice of the peace, and for other purposes,	714
523.	A bill to amend chapter four hundred and thirty-one, public laws of eighteen hundred and ninety-seven, relative to obstructions in the Catawba river,	714
524.	An act to protect oysters in New Hanover county,	715
525.	An act to establish graded schools in the town of Mount Olive, North Carolina,	716
526.	An act appointing D. Worthington, Esq., a justice of the peace,	718
527.	An act to amend the Mecklenburg road law and as amended, that the same be the road law for Guilford county,	719
528.	An act to amend section one, chapter fifty-nine (59) of the public laws of eighteen hundred and eighty-three (1883).	721
529.	An act for the relief of D. A. Blue, tax collector for the town of Southern Pines,	721

CHAP.	PAGE.
530. An act to repeal chapter four hundred and eleven, laws of eighteen hundred and ninety-five,	722
531. An act to amend section two thousand one hundred and twenty-two of The Code, relating to widows' allowance,	722
532. An act to provide for a finance committee for Mitchell county, and for other purposes,	723
533. An act to authorize the commissioners of Montgomery county to use a part of special tax money to build a bridge across Clark's creek on Turnpike road two miles north of Mount Gilead,	724
534. An act to authorize the commissioners of Gaston county to levy a special tax,	725
535. An act to authorize the commissioners of Halifax county to issue bonds to pay the indebtedness of said county,	725
536. An act to prohibit the sale of intoxicating liquors in Jackson township, Northampton county,	726
537. An act for the relief of Mary E. Rouse, of Columbus county,	727
538. An act to amend chapter three hundred and eighty of the public laws of eighteen hundred and eighty-seven,	727
539. An act supplemental to an act entitled "An act to establish a bureau of labor and printing," ratified the third day of March, eighteen hundred and ninety-nine,	728
540. An act to amend section two thousand two hundred and twenty-seven, and section two thousand two hundred and twenty-eight of The Code,	729
541. An act to amend sections eighteen hundred and fifteen and eighteen hundred and eighteen of The Code, relating to the form and record of marriage license,	729
542. An act to protect cattle from splenic fever and other diseases, in certain parts of this state,	730
543. An act to repeal chapter four hundred and twenty-seven of the laws of eighteen hundred and ninety-seven, and chapter five hundred of the laws of eighteen hundred and ninety-seven, providing for the working of the public roads of Wilson county,	731
544. An act to establish a new township in Surry county,	731
545. An act supplemental to an act to prohibit hunting in Halifax county, except by written consent of the land owner,	732
546. An act to improve the public roads of Coddle Creek township, in Iredell county,	732
547. An act to establish graded schools in the city of Newbern,	735
548. An act to refund the bonded indebtedness of Person county,	736
549. An act to prevent the manufacture and sale of any spirituous, vinous or malt liquors within the county of Jackson,	737
550. An act to prevent the obstructing of Harris creek in Jacksonville township in the county of Onslow,	738
551. An act in reference to local option,	739
552. An act for the relief of the principals of the Henderson public schools,	739
553. An act to give Cumberland county additional terms of the superior court,	740
554. An act to create a school district in Sampson county,	741
555. An act to abolish county board of education, school committees and county supervisor,	741
556. An act appointing additional justices of the peace for Craven county,	742
557. An act for the relief of T. P. Wilcox, ex-sheriff of Pasquotank county,	744
558. An act to provide for a dispensary for the town of Bryson City, in Swain county, North Carolina,	744
559. An act to allow the working of convicts on the public roads of Franklin county,	749
560. An act to provide for the drainage of Hominy swamp,	751
561. An act to incorporate the Slater Industrial and State Normal School of Winston-Salem, North Carolina,	752
562. An act to provide convicts for working the public roads of Chatham county,	755
563. An act to authorize the commissioners of Mecklenburg county to issue bonds to macadamize and improve the public roads thereof,	756
564. An act to establish a dispensary at Selma, North Carolina,	757
565. An act to create a new township in Alleghany county,	761
566. An act to fund the bonded indebtedness of Murfreesboro township, in Hertford county,	762
567. An act changing the county line between Alleghany and Wilkes counties,	763
568. An act relating to February term of the superior court of Craven county,	764
569. An act to allow the county of Alamance to issue bonds for permanent road improvement,	764

HAP.	PAGE.
570. An act to provide funds for the erection of a monument to the memory of Zebulon B. Vance,	766
571. An act for the relief of John L. Phelps, sheriff of Washington county,	766
572. An act for the relief of S. M. Transon and son, and Miss Ella Mastin, of Ashe county,	766
573. An act to make part of Roaring river, in Wilkes county, a lawful fence,	767
574. An act to prohibit the sale of whiskey in the town of Shelby except upon prescription of physician,	767
575. An act to require the secretary of state to pay over to the state treasurer accumulated land grant lands,	768
576. An act to promote the cultivation of shell-fish in Brunswick county,	769
577. An act to provide for appointments of trustees for Plymouth Normal School,	772
578. An act to amend chapter sixty-eight of the public laws of eighteen hundred and ninety-seven, entitled an act regulating the probate and registration fees on crop liens,	773
579. An act to amend chapter three hundred and thirty-three of the public laws of eighteen hundred and ninety-seven,	774
580. An act to amend chapter three hundred and ninety-five (395) of the public acts of eighteen hundred and ninety-seven (1897), to prohibit the manufacture and sale of liquor near certain churches in the state,	774
581. An act to provide for the better working of the public roads and highways of the state,	775
582. An act to restore in full force and effect section three thousand three hundred and seventy-seven of The Code,	786
583. An act for the relief of Robert A. McEachern, administrator of the estate of Hector McEachern, late sheriff of Robeson county,	787
584. An act to amend chapter two hundred and fifteen of the acts of eighteen hundred and eighty-nine,	787
585. An act to require persons desiring to pick deer tongue or whortleberries to obtain written consent of owner of land,	788
586. An act to appoint E. S. Simmons a justice of the peace, and for other purposes, in the county of Beaufort,	789
587. An act to incorporate The Moore's Creek Monumental Association,	789
588. An act for the relief of James C. Wall, late sheriff of Stokes county,	790
589. An act to provide for repairing Pungo turnpike, in Washington county,	792
590. An act to provide an office for the commissioner of insurance,	792
591. An act to supplement an act entitled "An act to amend chapter five hundred and forty-nine of the public laws of eighteen hundred and ninety-one, increasing the board of trustees of the Agricultural and Mechanical College for the Colored Race,"	793
592. An act to amend chapter two hundred and fifteen (215) of the public laws of eighteen hundred and ninety-three (1893),	793
593. An act to regulate the times of holding courts in the tenth judicial district,	794
594. An act to change the time of holding the courts in the ninth-judicial district, and to amend an act entitled "An act establishing the western district criminal court,"	796
595. An act to amend chapter four hundred and fifty of the public laws of eighteen hundred and ninety-one,	798
596. An act to provide for the burning of certain buildings in McDowell county, which are infected with small-pox germs,	799
597. An act to declare a certain road a highway,	799
598. An act to amend chapter four hundred and seventeen, public laws of eighteen hundred and ninety-one, relating to the establishing of the geological survey of the state,	799
599. An act to amend section two hundred and thirty-one of the public laws of eighteen hundred and ninety-seven, being "An act to improve the roads in Union county by taxation," and for other purposes.	800
600. An act to amend chapter three hundred and eighty of the laws of eighteen hundred and eighty-nine,	801
601. An act to provide for the filling of vacancies which may occur in the board of directors of the State's Prison of North Carolina,	801
602. An act to establish a public ferry across Rocky river between the counties of Anson and Stanly,	802
603. An act to protect Sunday schools and churches in Haywood county,	803
604. An act giving the clerk of the western district criminal court for Madison county power to probate deeds and other instruments,	803

CHAP.	PAGE
605. An act to include in one bill the names of all the ex-Confederate soldiers entitled to pensions, as reported by the committee on pensions and Soldiers Home,	804
606. An act to authorize the county commissioners of Orange county to issue bonds to pay the floating debt of said county, and to levy a special tax to pay the interest thereon, and to provide a sinking fund to pay said bonds,	808
607. An act to authorize and direct the issuing of state bonds to pay off the debts of the State's Prison, and for other purposes,	810
608. An act to prevent public drunkenness,	812
609. An act to increase the number of commissioners for Mecklenburg county,	813
610. An act to provide waterworks and sewerage at the University of North Carolina,	813
611. An act to amend chapter two hundred and forty-nine of public laws of eighteen hundred and ninety-seven,	813
612. An act to amend chapter two hundred and sixty-six of the public laws of eighteen hundred and ninety-five, establishing graded schools in the town of Hendersonville,	818
613. An act in respect to filling vacancies in the judicial department,	818
614. An act to appoint Newit Cox and W. G. Pope justices of the peace in and for Britt's township, in Robeson county,	819
615. An act for the relief of John C. McLauchlin, clerk of the superior court of Auson county,	819
616. An act to extend the time of settlement of J. F. Teague for state and county taxes,	820
617. An act to repeal section two, (2), chapter two hundred and twelve (212), public laws of eighteen hundred and ninety-seven (1887),	820
618. An act to amend chapter nineteen of the laws of eighteen hundred and eighty-five, and chapter three hundred and eighty of the laws of eighteen hundred and ninety-three, and to provide for amending the charter or letters patent of a corporation granted under chapter sixteen (16) of The Code, and the laws amendatory thereof,	820
619. An act for the relief of blind ex-Confederate soldiers,	821
620. An act to review, lay off and establish a public road from near Cook's Gap of the Blue Ridge, in Watauga county, North Carolina, to intersect with the Yadkin Valley road at or near L. E. Davis' roller mills, in Wilkes county, North Carolina,	822
621. An act for the relief of the board of education and certain teachers of Hertford county,	823
622. An act to amend sections three thousand six hundred and twenty-three and three thousand six hundred and thirty-nine of The Code,	824
623. An act for the payment of school claim in Randolph county,	825
624. An act to establish graded schools in Lincolnton,	825
625. An act to prevent persons from beating their way on railroad trains in this state,	826
626. An act to repeal chapter four hundred and forty-one, public laws of eighteen hundred and ninety-seven, creating Beaver Dam township in Washington county,	828
627. An act for the relief of H. C. Kearney, sheriff of Franklin county,	828
628. An act to compel vagrants to work on the public roads or highways of this state,	829
629. An act to authorize the board of commissioners of Union county to use certain funds for benefit of the home for the aged and infirm of said county,	830
630. An act to prevent fast riding or driving across the public bridges in Craven county,	830
631. An act supplementary to an act ratified the seventh day of March, eighteen hundred and ninety-nine, entitled "An act to authorize and direct the issuing of state bonds to pay off the debts of the State's Prison, and for other purposes,"	831
632. An act to incorporate the Chowan Educational Association in the county of Hertford,	832
633. An act to amend chapter two hundred and eighty, laws of eighteen hundred and ninety-seven,	833
634. An act relative to taxation of costs in suits before justices of peace in New Hanover county,	834
635. An act to provide for the funding of the current indebtedness of Union county, and to provide for the payment of the same,	834
636. An act to remedy defects in the record of wills in Pamlico county,	835
637. An act to appropriate one hundred thousand dollars to the public schools of North Carolina,	836
638. An act to amend chapter fifty-seven (57), public laws of one thousand eight hundred and ninety-seven,	837
639. An act to promote fish culture in the south fork of New river in Watauga county,	837

## CHAP.

## PAGE.

640. An act supplemental to "An act to ratify, confirm and approve the organization and incorporation of the South Carolina and Georgia Extension Railroad Company of North Carolina," to grant it certain powers and to authorize it to consolidate with other railroad companies, and to grant certain powers to any such consolidated company,	838
641. An act supplemental to an act entitled "An act to regulate the time of holding the superior courts of Cabarrus and Montgomery counties,"	838
642. An act to amend an act ratified the sixth day of March, eighteen hundred and ninety-nine, and entitled "An act to establish the North Carolina Corporation Commission,"	839
643. An act to allow the commissioners of Mitchell county to levy a special tax,	839
644. An act to abolish the second week of the May term of Vance superior court,	840
645. An act to protect boarding-house keepers,	840
646. An act to prohibit the manufacture and sale of spirituous, vinous and malt liquors in Cherokee county,	841
647. An act to amend chapter one hundred and fifty-six of the acts of eighteen hundred and ninety-five, and chapter three of the acts of eighteen hundred and ninety-seven, by putting the county of Northampton in the circuit criminal court established by said acts,	841
648. An act to enable the county commissioners of Edgecombe county to fix the compensation for making out the tax lists,	842
649. An act to prevent the placing of obstructions in Moccasin river to prevent the passage of fish,	843
650. An act to appoint justices of the peace for Moseley Hall township, Lenoir county, North Carolina,	843
651. An act to amend chapter one hundred and thirty-nine, public laws of eighteen hundred and ninety-five,	843
652. An act to amend chapter ninety-two (92), laws eighteen hundred and ninety-five,	844
653. An act to prohibit the hunting of birds on any land in Burke county without the consent of the owner,	844
654. An act amending section one of chapter two hundred and fifty of the laws of eighteen hundred and ninety-seven,	844
655. An act to prevent fishing with pod or pyke nets in certain waters of Pamlico and Tar rivers, and certain of their tributaries,	845
656. An act to protect property owners on Rock creek,	845
657. An act for the relief of John K. Hughes, sheriff and tax collector of Orange county,	846
658. An act to appoint justices of the peace for Davidson county,	846
659. An act to restore the school districts of Person county as they existed September twentieth, eighteen hundred and ninety-six,	847
660. An act for the relief of certain ex-Confederate soldiers,	847
661. An act to extend stock law in Tabernacle township Randolph county,	848
662. An act to furnish certain supreme court reports to Pender county,	849
663. An act to restore the stock law to Roanoke township, in Warren county,	849
664. An act for the benefit of the North Carolina Institution for the Education of the Deaf and Dumb and Blind,	850
665. An act regulating the use of and for the protection of meridian monuments and standards of measure at the several county seats in North Carolina,	850
666. Pools, trusts and conspiracies unlawful combinations. An act providing for the punishment of pools, trusts and conspiracies, and as to evidence and prosecution in such cases,	852
667. An act to amend section three thousand six hundred and thirty-five (3635) of The Code,	854
668. An act for the relief of Ella I. Phillips, of Edgecombe county, North Carolina,	855
669. An act to provide for the investigation of the management of the state penitentiary and the state agricultural department,	855
670. An act to protect water supplies,	857
671. An act to provide a dispensary for the town and township of Bethel, Pitt county, North Carolina,	859
672. An act to authorize the city of Wilmington and county of New Hanover to lease or purchase the Brunswick bridge and ferry,	865
673. An act to appoint W. J. Ross a justice of the peace for Harris township, in Stanly county,	866
674. An act to amend chapter three hundred and ninety-five of the public laws of eighteen hundred and ninety seven,	867

CHAP.	PAGE.
675. An act to amend chapter nine section one of the public laws of eighteen hundred and ninety seven, concerning the May term of Alamauce superior court,	867
676. An act for the protection of foxes in Alleghany county,	867
677. An act to appropriate funds for the support and maintenance of the North Carolina School for the Deaf and Dumb,	868
678. An act to amend chapter fifty-seven: of the public laws of eighteen hundred and eighty-one,	868
679. An act for the maintenance of the State's Prison of North Carolina,	869
680. An act in relation to probate of wills,	869
681. An act to provide for the election of a tax collector for Charlotte township, county of Mecklenburg,	870
682. An act to review, lay out and amend the public road from Miller's Creek Post-office, in Wilkes county, to Creston Post-office, in Ashe county,	871
683. An act to amend chapter seventy (70), section twelve, of the laws of eighteen hundred and eighty-three,	872
684. An act to make appropriations for the State Hospitals,	872
685. An act allowing the commissioners of Craven county to sell Nelson's ferry,	873
686. An act to declare Lower Little river, in Cumberland county, a lawful fence,	874
687. An act to authorize the Railroad Commission, the North Carolina Corporation Commission, or such board as shall succeed to their duties, to assess property which has escaped taxation,	874
688. An act supplemental and amendatory to an act entitled "An act to abolish the board of railroad commissioners, and to establish the North Carolina Corporation Commission,"	875
689. An act to amend chapter one hundred and ten, public laws of eighteen hundred and eighty-three, and to shorten the fence between the stock law territory in Number Seven township, Craven county,	875
690. An act to authorize the board of directors of the State Prison of North Carolina to hire convicts to the counties of Buncombe and Rowan,	876
691. An act for the relief of Wm. Gambill, late sheriff of Alleghany county,	877
692. An act to authorize Thomas K. Miller, late sheriff of Ashe county, to collect back taxes,	877
693. An act to appoint A. C. Privett a justice of peace,	877
694. An act to authorize the speaker of the house of representatives to appoint five additional commissioners to represent the state of North Carolina at the Paris exposition of nineteen hundred,	878
695. An act for the relief of Elmina Jeffrey, of Gaston county,	878
696. An act to prohibit the sale of spirituous liquors within certain localities,	879
697. An act to declare Nantahala, Tennessee and Hiawasse rivers floatable streams, and for other purposes,	884
698. An act to authorize the commissioners of Craven county to set aside a sinking fund for the payment of its bridge debt,	886
699. An act supplementary to an act entitled "An act to amend chapter two hundred and eighty-eight, acts of eighteen hundred and ninety-five, public laws, relating to the spring term of the superior courts of Bertie and Craven counties," ratified the sixth day of March, eighteen hundred and ninety-nine,	887
700. An act to appoint justices of the peace in Halifax county,	887
701. An act to amend section seven (7) of chapter three hundred and sixty-three of the public laws of eighteen hundred and eighty-nine (1889),	888
702. An act to provide for the establishing of a public highway through the public lands between the Ben Smith place and the A. J. Murrill place, in Onslow county,	888
703. An act to pay a certain judgment rendered in favor of Festus Miller and Thomas Campen against the State of North Carolina,	889
704. An act to provide a system of sewerage for the College of Agriculture and Mechanic Arts,	890
705. An act to amend chapter two hundred and ninety-eight of the public laws of eighteen hundred and ninety-three,	891
706. An act for the protection of sturgeon,	891
707. An act to establish a school district of the territory lying between New river and the Virginia state line at the horse ford of New river,	892
708. An act to prohibit the sale of liquor within two miles of Concord Baptist church, Alexander county,	892

CHAP.	PAGE.
709. An act supplemental to an act ratified March seventh, eighteen hundred and ninety-nine, entitled "An act to change the time of holding the courts in the ninth judicial district," and to amend an act entitled "An act establishing the western district criminal court,"	892
710. An act for the relief of the Shepard's Point Land Company,	893
711. An act to be entitled an act to provide for the payment of certain judgments rendered in favor of the clerk's officers of Carteret county against the state,	894
712. An act to amend chapter four hundred and sixteen of the public laws of eighteen hundred and ninety three,	894
713. An act to be entitled "An act to appoint justices of the peace for Contentnea Neck town ship, Lenoir county, North Carolina,"	895
714. An act to regulate the distribution of funds derived from dispensaries in Johnston county,	895
715. An act to appoint additional justices of the peace in Richmond county,	895
716. An act to provide for the Soldiers Home,	896
717. An act to repeal chapter one hundred and fifteen (115) of the public laws of eighteen hundred and ninety-three (1893),	896
718. An act to amend chapter seventy-nine of the public laws of eighteen hundred and ninety-seven, relating to shooting cattle in Tyrrell county,	897
719. An act to provide for the improvement of the public roads of the state, through the use of wide tires on wagons and other draft vehicles,	897
720. An act supplemental to house bill number thirteen hundred and eighty four, being an act relating to the reorganization of the department of agriculture,	898
721. An act to provide for hitch post at gates across public roads,	898
722. An act to prohibit the killing of deer in Caldwell county,	899
723. An act to repeal chapter five hundred and fifty-three of the public laws of North Carolina,	899
724. An act relating to the authority and powers of the joint committee on printing,	899
725. An act to appoint D. W. Turner a justice of the peace for Number Ten township, Cabarrus county,	900
726. An act to repeal chapter one hundred and eight of the laws of eighteen hundred and seventy-nine, relating to public wharves and depots,	900
727. An act to prevent hunting in Rich Square township without written permission of owner,	901
728. An act to protect fish in Caldwell county,	901
729. An act to regulate the time of drawing jurors,	901
730. An act for the relief of W. L. Stallings, sheriff of Edgecombe county,	902
731. An act for the appointment of additional justices of the peace for Enfield township, in Halifax county,	902
732. An act to revise and consolidate the public school law,	903
733. An act relating to negotiable instrument law and making the same uniform,	926



# CAPTIONS

OF THE

## RESOLUTIONS OF THE GENERAL ASSEMBLY,

SESSION 1899.

	PAGE.
A resolution to provide for the appointment of a joint committee to whom shall be referred bills on court districts,	953
Resolution to appoint a joint committee to investigate the laws and amendments to laws passed by the general assemblies of eighteen hundred and ninety-five and eighteen hundred and ninety-seven,	953
Joint resolution of the general assembly of North Carolina,	953
Resolution to have printed governor's message,	954
Resolution relating to Bagley monument,	954
Resolution to investigate the suspension of J. W. and S. O. Wilson,	954
Joint resolution to appoint committee to make arrangements for lecture to be delivered by Rev. James Battle Averett,	955
Joint resolution in regard to the public printing,	955
Resolution instructing our representatives in the United States congress to introduce a bill to appropriate a sufficient amount of money to establish a light beacon at the Cape channel in Pamlico sound,	956
Resolution in favor of A Cannon,	956
Resolution to certify certain fish bill to fish commissioner at Washington,	957
Resolution of inquiry as to payment of money out of treasury,	957
A resolution in favor of Elizabeth City and Camden Ferry Company,	957
A resolution to appoint committee on trustees of the University,	958
Joint resolution providing for the election of directors of the State's Prison on Friday, February third, eighteen hundred and ninety-nine at twelve m,	958
Resolution to pay the expenses of J. A. Franks, senator of the thirty-fourth senatorial district, in the contested election case of Cannon against Franks,	958
A joint resolution to instruct the senators and request the representatives in congress from North Carolina to procure an appropriation for the payment of claims arising out of the late war with Spain,	959
Joint resolution providing for a joint ballot of both houses to fill vacancies in the board of directors of the State's Prison,	960
Joint resolution concerning titles to bills,	960
Joint resolution relative to penitentiary directors	960
Joint resolution to pay the counsel fees and costs in the contested election case of George Dees, contestant against Dudley Paul, contestee,	960
Joint resolution as to notifying directors of the State's Prison,	961
Joint resolution to proceed to the election of directors of the State's Prison,	961
A resolution providing for paying the cost in the election contest of Sugg, contestant, against Mitchell, contestee,	961
Joint resolution relating to removal of state arsenal,	961
A joint resolution calling for report of the condition of the penitentiary, and an inventory of its assets as required by law,	962
Resolution to pay expenses of special committee that visited and inspected State School for the Deaf and Dumb at Morgauton,	962
A resolution in regard to election of justices of the peace,	962
A resolution to elect directors for the Deaf and Dumb School at Morgauton,	963
Joint resolution of the house of representatives and of the senate appointing a special committee to secure the better ventilation of both halls of the general assembly,	963
Resolution to pay expenses of G. G. Eaves and W. L. Lambert,	963
A resolution in favor of Hon. W. L. Norwood,	963

	PAGE.
A resolution providing for the election of trustees of the University of North Carolina,	964
A resolution to elect a librarian on February twenty fourth, eighteen hundred and ninety-nine, at twelve m.,	964
Resolution directing the public treasurer to refund to R. B. Raney the fifty dollars paid by him, pursuant to chapter three hundred and eighteen, laws of eighteen hundred and ninety-three, preliminary to introduction of bill to incorporate the "Olivia Raney Library,"	964
Resolution to pay W. H. Carroll and B. B. Nicholson, attendants upon the funeral of Mrs. C. W. Davis,	964
A resolution of instruction to our senators and representatives in Congress from North Carolina, for the relief of depositors in the Freedmen's Saving and Trust Company, a company chartered by congress between eighteen hundred and sixty three and eighteen hundred and sixty-six, and which did business in the name of the United States,	965
A resolution in favor of W. F. Harris,	966
Joint resolution in the matter of the suspension of J. W. Wilson and S. O. Wilson from the office of railroad commission,	966
Joint resolution in the matter of the suspension of J. W. Wilson and S. O. Wilson from the office of railroad commission,	966
Resolution in regard to the election of Henry B. Stevens judge,	966
Joint resolution to defray expenses of committee visiting penitentiary farm,	967
Joint resolution providing for the payment of expenses of sub-committee to visit the institutions of the state,	968
Resolution in favor of F. M. White,	968
A joint resolution to appoint a committee to nominate members of the board of agriculture.	968
Resolution to elect keeper of the capitol.	969
A resolution relative to election of railroad commissioners,	969
Resolution regarding Company G. third regiment North Carolina,	969
Resolution to reimburse the sub-committee of the committee on insane asylums, their actual and necessary expenses, eighteen dollars and ninety cents (\$18 90) in visiting the State Hospital at Goldsboro.	970
Joint resolution relating to exchange of supreme court reports, laws and documents, with the territory of Hawaii,	970
Resolution to appoint a joint committee to recommend trustees for the North Carolina College of Agriculture and Mechanic Arts.	971
Resolution directing the secretary of state to publish two hundred copies of house bills six hundred and twenty-two and seven hundred and thirty-three.	971
A resolution in regard to the elections of the state board of election.	971
Resolution to pay expenses of joint sub-committee who visited the State Hospital at Morganton,	972
Resolution in regard to pages,	972
Resolution to elect members of board of agriculture,	972
Joint resolution providing for the election of insurance commissioner and other officers,	972
Resolution in favor of F. P. Jones,	973
Resolution in regard to electing trustees for the Agricultural and Mechanical College for the colored race at Greensboro, North Carolina,	973
A joint resolution providing for the election of trustees of the North Carolina College of Agriculture and Mechanic Arts,	973
Resolution in regard to the adjournment of the general assembly,	974
Resolution to pay Misses Ellington and Robeson for services as typewriters.	974
A resolution to pay funeral expenses of any member of this general assembly who may die at the Rex Hospital in the city of Raleigh,	975
Resolution supplemental to resolution one thousand six hundred and twelve, authorizing the speaker of the house of representatives to appoint four additional commissioners to represent the state of North Carolina at the Paris exposition of nineteen hundred,	975
Resolution in favor of R. L. Cooper,	975
Resolution endorsing Pickford Sanitarium,	975
Resolution to pay M. S. Calvert thirteen dollars and fifty one-hundredth dollars for typewriting,	977
Resolution to pay Royall & Borren Furniture Company,	977
Resolution in favor of W. Cooper, fireman in supreme court building,	977
A resolution to pay J. B. Smith for necessary expenses,	978
Resolution in regard to public printing,	978
Resolution regarding the bureau of labor and printing,	983

# 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:

### 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.

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.

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.

Preamble.

The equality and rights of men.

Political power and government.

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, express 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 seventy, except the bonds issued to fund the interest on the old debt of the State, unless the proposing to pay the same shall have first been submitted to the people and by them ratified by the vote of a majority of all the qualified voters of the State, at a regular election held for that purpose.

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

Exception.

Exclusive emoluments, etc.

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 defense, and not be compelled to give evidence against

himself or to pay costs, jail fees, or necessary witness fees of the defense, 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 offense is not particularly described and supported by evidence, are dangerous to liberty and ought not to be granted. General warrants.

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

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

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

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

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

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

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

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

SEC. 24. A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed; and, as standing armies in time of peace are dangerous to liberty, they ought not to be kept up, and the military should be kept under strict subordination to, and gov-

Militia and the right to bear arms.

erned 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 the right to the privilege of education, and it is the duty of the State to guard and maintain that right.

Elections should be frequent.

SEC. 28. For redress of grievances, and for amending and strengthening the laws, elections should be often held.

Recurrence to fundamental principles.

SEC. 29. A frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty.

Hereditary emoluments, etc.

SEC. 30. No hereditary emoluments, privileges or honors ought to be granted or conferred in this State.

Perpetuities, etc.

SEC. 31. Perpetuities and monopolies are contrary to the genius of a free State, and ought not to be allowed.

Ex post facto laws.

SEC. 32. Retrospective laws, punishing acts committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust and incompatible with liberty; wherefore no *ex post facto* law ought to be made. No law taxing retrospectively sales, purchases, or other acts previously done, ought to be passed.

Slavery prohibited.

SEC. 33. Slavery and involuntary servitude, otherwise than for crime, whereof the parties shall have been duly convicted, shall be and are hereby forever prohibited within the State.

State boundaries.

SEC. 34. The limits and boundaries of the State shall be and remain as they now are.

Courts shall be open.

SEC. 35. All courts shall be open; and every person for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial or delay.

Soldiers in time of peace.

SEC. 36. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner prescribed by law.

Other rights of the people.

SEC. 37. This enumeration of rights shall not be construed to impair or deny others retained by the people; and all powers not herein delegated remain with the people.

ARTICLE II.

LEGISLATIVE DEPARTMENT.

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

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

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

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

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

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

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

- 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, etc.
- SEC. 24. Each member of the General Assembly, before taking his seat, shall take an oath or affirmation that he will support the Constitution and laws of the United States, and the Constitution of the State of North Carolina, and will faithfully discharge his duty as a member of the Senate or House of Representatives. Oath of members.
- SEC. 25. The terms of office for Senators and members of the House of Representatives shall commence at the time of their election. Terms of office.
- SEC. 26. Upon motion made and seconded in either House by one-fifth of the members present, the yeas and nays upon any question shall be taken and entered upon the journals. Yeas and nays.
- SEC. 27. The election for members of the General Assembly shall be held for the respective districts and counties, at the places where they are now held, or may be directed hereafter to be held, in such manner as may be prescribed by law, on the first Thursday in August, in the year one thousand eight hundred and seventy, and every two years thereafter. But the General Assembly may change the time of holding the elections. Election for members of the General Assembly.
- SEC. 28. The members of the General Assembly for the term for which they have been elected shall receive as a compensation for their services the sum of *four-dollars* per day for each day of their session, for a period not exceeding sixty days; and should they remain longer in session, they shall serve without compensation. They shall also be entitled to receive ten cents per mile, both while coming to the seat of government and while returning home, the said distance to be computed by the nearest line or route of public travel. The compensation of the presiding officers of the two Houses shall be six dollars per day and mileage. Pay of members and officers of the General Assembly.
- Extra session.

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.

## 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 elections.

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.

Oath of office for Governor.

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 Con-

stitution and laws of the United States, and of the State of North Carolina, and that he will faithfully perform the duties appertaining to the office of Governor, to which he has been elected.

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

Duties of Governor.

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

Reprieves, commutations and pardons.

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

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

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

Commander-in-Chief.

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

Extra sessions of General Assembly.

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

Officers whose appointments are not otherwise provided for.

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

Duties of the Lieutenant-Governor.

SEC. 12. In case of the impeachment of the Governor, his fail-

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

ure 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.

Council of State.

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

Compensation of Executive officers.

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

Seal of State.

SEC. 16. There shall be a seal of the State, which shall be kept

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

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.

Department of Agriculture, Immigration and Statistics.

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 offense, for the punishment of the same, shall be termed a criminal action. Feigned issues shall also be abolished, and the fact at issue tried by order of court before a jury.

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

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.

Feigned issues abolished.

Division of Judicial powers.

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

Trial Court of Impeachment.

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

Impeachment.

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

Treason against the State.

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

Supreme Court Justices.

- 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 interior 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.
- Residences of Judges, Rotation in Judicial Districts, And Special Terms.**      SEC. 11. Every Judge of the Superior Court shall reside in the district for which he is elected. The Judges shall preside in the courts of the different districts successively, but no Judge shall hold the courts in the same district oftener than once in four years; but in case of the protracted illness of the Judge assigned to preside in any district, or of any other unavoidable accident to him, by reason of which he shall be unable to preside, the Governor may require any Judge to hold one or more specified terms in said district, in lieu of the Judge assigned to hold the courts of the said district.
- Jurisdiction of Courts inferior to Supreme Court.**      SEC. 12. The General Assembly shall have no power to deprive the Judicial Department of any power or jurisdiction which rightfully pertains to it as a co-ordinate department of the government; but the General Assembly shall allot and distribute that portion of this power and jurisdiction which does not pertain to the Supreme Court, among the other courts prescribed in this Constitution or which may be established by law in such manner as it may deem best; provide also a proper system of appeals, and regulate by law, when necessary, the methods of proceeding in the exercise of their powers, of all the courts below the Supreme Courts, so far as the same may be done without conflict with other provisions of this Constitution.
- In case of waiver of trial by jury.**      SEC. 13. In all issues of fact, joined in any court, the parties may waive the right to have the same determined by a jury, in

which case the finding of the Judge upon the facts shall have the force and effect of a verdict by a jury.

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.

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 of the General Assembly of the rules of practice and procedure herein provided for, shall be heard and determined according to the practice now in use unless otherwise provided for by said rules. Disposition of actions at law and suits in equity, pending when this Constitution shall go into effect, etc.

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

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

SEC. 23. A Solicitor shall be elected for each Judicial District by the qualified voters thereof, as is prescribed for members of the General Assembly, who shall hold office for the term of four Solicitors for each Judicial District.

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 and fail to qualify, such offices shall be appointed to, held and filled as provided in case of vacancies occurring therein. All incumbents of said offices shall hold until their successors are qualified.

**Terms of office of first officers under this Article.**

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

**Jurisdiction of Justices of the Peace.**

SEC. 27. The several Justices of the Peace shall have jurisdiction, under such regulations as the General Assembly shall prescribe, of civil actions founded on contract, wherein the sum demanded shall not exceed two hundred dollars, and wherein the title to real estate shall not be in controversy; and of all criminal matters arising within their counties where the punishment can not 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 be-

fore a justice, he shall make a record of the proceedings, and file the same with the Clerk of the Superior Court for his county.

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.

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

Removal of Judges of the various Courts for inability.

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

Removal of Clerks of the various Courts for inability.

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

Amendments not to vacate existing offices.

## ARTICLE V.

## REVENUE AND TAXATION.

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

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

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

**Taxes levied by County Commissioners.** SEC. 6. The taxes levied by the commissioners of the several counties for county purposes shall be levied in like manner with

the State taxes, and shall never exceed the double of the State tax, except for a special purpose, and with the special approval of the General Assembly.

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, etc.

ARTICLE VI.

SUFFRAGE AND ELIGIBILITY TO OFFICE.

SECTION 1. Every male person born in the United States, and every male person who has been naturalized, twenty-one years old or upward, who shall have resided in the State twelve months next preceding the election, and ninety days in the county in which he offers to vote shall be deemed an elector. But no person, who, upon conviction or confession in open court, shall be adjudged guilty of felony, or any other crime infamous by the laws of this State and hereafter committed, shall be deemed an elector, unless such person shall be restored to the rights of citizenship in a manner prescribed by law.

Qualifications of an elector.

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

Registration of electors.

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

Elections by people and General Assembly.

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

Oath of office.

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

Disqualification for office.

ARTICLE 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.

Duty of County 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.

Counties to be divided into districts.

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.

Said districts shall have corporate powers as Townships

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.

Officers of 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.

Trustees shall assess property.

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.

No debt or loan except by a majority of voters.

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.

Drawing of money.

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

Taxes to be ad valorem.

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

- SEC. 10. The county officers first elected under the provisions of this Article shall enter upon their duties ten days after the approval of this Constitution by the Congress of the United States. When officers enter on duty.
- 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. Governor to appoint Justices.
- 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. Charters to remain in force until legally changed.
- 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. Debts in aid of the rebellion not to be paid.
- 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. Powers of General Assembly over municipal corporations.

ARTICLE VIII.

CORPORATIONS OTHER THAN MUNICIPAL.

- SECTION 1. Corporations may be formed under general laws, but shall not be created by special act. except for municipal purposes, and in cases where, in the judgment of the Legislature, the object of the corporation can not be attained under general laws. All general laws and special acts, passed pursuant to this section, may be altered from time to time, or repealed. Corporations under general laws.
- SEC. 2. Dues from corporations shall be secured by such individual liabilities of the corporations and other means as may be prescribed by law. Debts of corporations, how secured.
- SEC. 3. The term corporation, as used in this Article, shall be construed to include all associations and joint-stock companies, having any of the powers and privileges of corporations, not possessed by individuals or partnerships. And all corporations shall have the right to sue, and shall be subject to be sued in all courts, in like cases as natural persons. What corporations shall include.
- SEC. 4. It shall be the duty of the Legislature to provide for the organization of cities, towns and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts and loaning their credit, so as to prevent abuses in assessment and in contracting debts by such municipal corporations. Legislature to provide for organizing Cities, Towns, etc.

## ARTICLE IX.

## EDUCATION.

Education shall be encouraged.

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.

General Assembly shall provide for schools.

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.

Separation of the races.

Counties to be divided into districts.

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.

What property shall be devoted to educational purposes.

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

County School fund.

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

Providso.

*Provided*, that the amount collected in each county shall be annually reported to the Superintendent of Public Instruction.

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.

Election of Trustees, and provisions for maintenance 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.

Benefits of the University.

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.

Board of Education.

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

President and Secretary.

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

Power of Board.

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

First session of Board.

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

Quorum.

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

Expenses.

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

Agricultural Department.

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

Children must attend school.

## ARTICLE X.

## HOMESTEADS AND EXEMPTIONS.

**Exemption.** 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.

**Homestead.** 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 exempted from debt.** 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.

**Laborer's lien.** SEC. 4. The provisions of sections one and two of this Article shall not be so construed as to prevent a laborer's lien for work done and performed for the person claiming such exemption, or a mechanic's lien for work done on the premises.

**Benefit of widow.** SEC. 5. If the owner of a homestead die, leaving a widow, but no children, the same shall be exempt from the debts of her husband, and the rents and profits thereof shall inure to her benefit during her widowhood, unless she be the owner of a homestead in her own right.

**Property of a married female secured to her.** SEC. 6. The real and personal property of any female in this State, acquired before marriage, and all property, real and personal, to which she may, after marriage, become in any manner entitled, shall be and remain the sole and separate estate and property of such female, and shall not be liable for any debts, obligations or engagements of her husband, and may be devised and bequeathed, and with the written assent of her husband, conveyed by her as if she were unmarried.

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

**How deed for homestead may be made.** SEC. 8. Nothing contained in the foregoing sections of this Article shall operate to prevent the owner of a homestead from disposing of the same by deed; but no deed made by the owner

of a homestead shall be valid without the voluntary signature and assent of his wife, signified on her private examination according to law.

ARTICLE XI.

PUNISHMENTS, PENAL INSTITUTIONS AND PUBLIC CHARITIES.

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.

Punishments.

Convict labor.

Proviso

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

Death punishment.

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

Penitentiary.

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

Houses of correction.

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

Houses of refuge.

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

The sexes to be separated.

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

Provision for the poor and orphans.

- Orphan houses. 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.
- Inebriates and idiots SEC. 9. It shall be the duty of the Legislature, as soon as practicable, to devise means for the education of idiots and inebriates.
- Deaf-mutes, blind and insane. 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.
- Self-supporting. 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.

## ARTICLE XII.

## MILITIA.

- Who are liable to militia duty. SECTION 1. All able-bodied male citizens of the State of North Carolina, between the ages of twenty-one and forty years, who are citizens of the United States, shall be liable to do duty in the militia: *Provided*, that all persons who may be averse to bearing arms, from religious scruples, shall be exempt therefrom.
- Organizing, etc. SEC. 2. The General Assembly shall provide for the organizing, arming, equipping and discipline of the militia, and for paying the same, when called into active service.
- Governor Commander-in Chief. SEC. 3. The Governor shall be Commander-in-Chief, and shall have power to call out the militia to execute the law, suppress riots or insurrection, and to repel invasion.
- Exemptions. SEC. 4. The General Assembly shall have power to make such exemptions as may be deemed necessary, and to enact laws that may be expedient for the government of the militia.

## ARTICLE XIII.

## AMENDMENTS.

- Convention, how called. SECTION 1. No Convention of the people of this State shall ever be called by the General Assembly, unless by the concurrence of two-thirds of all the members of each House of the General Assembly, and except the proposition, Convention or No Convention, be first submitted to the qualified voters of the whole State, at the next general election in a manner to be prescribed by law. And should a majority of the votes cast be in favor of said Convention, it shall assemble on such day as may be prescribed by the General Assembly.
- How the Constitution may be altered. SEC. 2. No part of the Constitution of this State shall be altered unless a bill to alter the same shall have been agreed to by three-fifths of each House of the General Assembly. And the amend-

ment or amendments so agreed to shall be submitted at the next general election to the qualified voters of the whole State, in such a manner as may be prescribed by law. And in the event of their adoption by a majority of the votes cast, such amendment or amendments shall become a part of the Constitution of this State.

ARTICLE XIV.

MISCELLANEOUS.

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

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

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

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

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

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

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

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

# INDEX

TO THE

## Constitution of North Carolina.

### ARTICLE I.

#### DECLARATION OF RIGHTS.

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

ARTICLE II.

LEGISLATIVE DEPARTMENT.

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

ARTICLE III.

EXECUTIVE DEPARTMENT.

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

ARTICLE IV.

JUDICIAL DEPARTMENT.

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

ARTICLE V.

REVENUE AND TAXATION.

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

ARTICLE VI.

SUFFRAGE AND ELIGIBILITY TO OFFICE.

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

ARTICLE VII.

MUNICIPAL CORPORATIONS.

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

ARTICLE VIII.

CORPORATIONS OTHER THAN MUNICIPAL.

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

ARTICLE IX.

EDUCATION.

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

ARTICLE X.

HOMESTEADS AND EXEMPTIONS.

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

ARTICLE XI.

PUNISHMENTS, PENAL INSTITUTIONS AND PUBLIC CHARITIES.

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

ARTICLE XII.

MILITIA.

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

ARTICLE XIII.

AMENDMENTS.

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

ARTICLE XIV.

MISCELLANEOUS.

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

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PUBLIC LAWS

OF THE

State of North Carolina.

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SESSION 1899.

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# PUBLIC LAWS

OF THE

## State of North Carolina.

SESSION 1899.

### CHAPTER 1.

An act to revise, consolidate and amend the insanity laws of this state.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the hospital for the insane, located near Morganton, shall be and remain a corporation under this name : "The State Hospital at Morganton." The hospital for the insane, located near Raleigh, shall be and remain a corporation under this name : "The State Hospital at Raleigh." The hospital for the insane, located near Goldsboro, shall be and remain a corporation under this name : "The State Hospital at Goldsboro." Under such name each corporation is invested with all the property and rights heretofore held by each, under whatsoever name called or incorporated, and all other corporate names are hereby abolished. Hereafter in this act, when the above names are used, they shall be deemed to relate back to and include the corporation, under whatsoever name it might heretofore have had.

Morganton hospital for insane.  
Corporate name.  
Raleigh hospital for insane.

Corporate name.  
Goldsboro hospital for insane.  
Corporate name.

Corporate powers.

Retroactive application of title.

SEC. 2. The State Hospital at Morganton, and the State Hospital at Raleigh, and the State Hospital at Goldsboro, may each acquire and hold, for the purpose of its institution, real and personal property, by devise, bequest or by any manner of gift, purchase or conveyance whatsoever.

May acquire property.

SEC. 3. The State Hospital at Morganton, and the State Hospital at Raleigh, shall be exclusively for the accommodation, maintenance, care and treatment of the white insane and inebriates of this state, and the State Hospital at Goldsboro shall be exclusively for the accommodation, maintenance, care and treatment of the colored insane and inebriates of this state.

Purpose for which maintained.

SEC. 4. The line heretofore agreed upon by the directors of the State Hospital at Morganton, and the State Hospital at Raleigh, shall be the line of division between the territories of the said hospitals, and white insane persons and inebriates settled in counties

Line of division.

Directors may change line of division.	to west of said line shall be admitted only into the State Hospital at Morganton, and white insane persons and inebriates settled in counties to the east of said line shall be admitted only into the State Hospital at Raleigh. The board of directors of these two hospitals may, by agreement, change said line from time to time whenever in their opinion such change may be proper, and they may, by agreement, transfer patients from one hospital to the other when such transfer may be deemed advantageous. That portion of the state which is or may hereafter be west of said division line shall be known as the Western Hospital District, and that portion of the state which is or may hereafter be east of said line shall be known as the Eastern Hospital District.
Western and Eastern hospital districts.	
Number of directors.	SEC. 5. Each corporation shall be under the management of a board of nine directors, no two of whom shall be resident of the same county, nominated by the governor and by and with the advice and consent of a majority of the senators-elect, appointed by him, of whom five directors shall be a quorum, except when three of their number are hereby in this law empowered to act for special purposes.
How appointed.	Each board of directors shall be in classes of three, as they are now divided, and the term of office of such classes shall expire as follows: those of the first class, on the first day of April, nineteen hundred and one; of the second class, on the first day of April, nineteen hundred and three; and of the third class, on the first day of April, nineteen hundred and five. At the expiration of their said respective terms of office, all appointments shall be for a term of six years, except such as are made to fill unexpired terms. Every vacancy occurring in any board of directors at a time when the general assembly shall not be in session, shall be filled by an election held by the remaining members of the board at their next regular meeting after the vacancy occurs, and the person thus elected shall hold office until his successor shall have been appointed by the governor and confirmed by the senate as aforesaid, at the next regular meeting of the general assembly.
Quorum.	
Classes of directors.	
Term of office.	
Vacancies occurring.	
Term of office of succeeding directors.	
Executive committee.	SEC. 6. Each board of directors shall, out of their number, appoint three members as an executive committee, who shall hold their respective offices as such for one year, and shall have such powers and be subject to such duties as the board of directors may delegate to them.
Term of office.	
Powers of directors.	SEC. 7. Each board of directors shall direct and manage the affairs of their institution and shall for its purposes have power to receive, hold, manage, convey, or otherwise dispose of, in the name of their institution, all such property or estate as may hereafter be given or otherwise be conveyed to their corporation; and the members of each board shall serve without reward, save their traveling expenses incurred in the discharge of their official duties.
Compensation of directors.	SEC. 8. Each board of directors shall convene at the hospital of

which it has charge, on the first Wednesday after the first Monday in April of each year, and at such other times as they shall appoint, and investigate the administration of its affairs, and report on the same to the general assembly, with such remarks and recommendations as to them shall seem expedient.

Time of meeting.

SEC. 9. Each board of directors shall appoint a superintendent of their institution and prescribe his duties. He shall be a skilled physician, educated to his profession, of good moral character, of prompt business habits, and of kindly disposition. He shall hold office for six years from and after his appointment, unless sooner removed by said board, who may, for infidelity to his trust, gross immorality or incompetency to discharge the duties of his office, fully proved and declared, and the proofs thereof recorded in the book of their proceedings, remove him and appoint another in his place.

Appointment of superintendents.

Superintendent.

Term of office.

May be removed.

SEC. 10. Each board of directors shall appoint one or more assistant physicians, and with the advice and consent of the superintendent, prescribe his duties. The superintendent may, with the advice and consent of the executive committee of the board of directors, for insubordination, immorality, neglect of duty, or incompetency, suspend an assistant physician until a meeting of the board of directors can be called, which meeting shall be called as soon as practicable, in no event later than thirty days, when any charges preferred by the superintendent are to be investigated, and such action taken as the board may deem best. Every assistant physician shall hold his place for two years from and after his appointment, unless sooner removed for good cause, which shall be specified and recorded in their proceedings.

Appointment of assistants.

Superintendent may suspend assistant.

When charges are preferred.

Term of office of assistants.

SEC. 11. Each board of directors at their annual meeting shall, on nomination of the superintendent, appoint a steward, and if they shall think proper to do so, a matron also, who shall hold their places for one year, unless sooner suspended or removed by the superintendent or board of directors for good cause, in which case their successors shall be nominated and appointed for the unexpired terms of those removed. The method of procedure for the suspension and removal of assistant physician, contained in the preceding section of this act, shall be followed in the suspension and removal of any steward or matron. The steward, before entering upon the discharge of his duties, shall execute to the hospital a bond in the sum of two thousand and five hundred dollars, with sureties to be approved by the board of directors, conditioned for the faithful administration of his duties, and the proper accounting and disbursement of all money and property coming into his hands. The state treasurer shall be treasurer of said corporations. The state treasurer shall keep all accounts of the institutions, and shall pay out all moneys upon the warrant of the respective superintendents, countersigned by two members of the board of directors, under such rules and regulations as the respective boards may establish.

Appointment of hospital corps.

Steward shall execute bond.

State treasurer the treasurer of these corporations.

Salaries, how fixed.

SEC. 12. Each board of directors shall fix the salaries and compensation of the superintendent, and the officers and employees whose services may be necessary for the management of the hospital under charge of said board: *Provided*, that the salaries shall not be diminished during the term of the incumbents: *Provided further*, that the salary of the superintendent shall be a sum certain, without other compensation or allowance, except such rooms in the hospital for the use of his family, and such articles of food produced on the premises as said board of directors may permit.

Proviso.

Proviso.  
Compensation shall be certain.

Power of superintendent.

SEC. 13. Each superintendent shall exercise exclusive direction and control over all the subordinate officers and employees engaged in the service and labors of his hospital, and he may discharge such as have been employed by himself or his predecessors, and shall report to the board of directors of his hospital the misconduct of all subordinates.

By-laws and regulations to be made by directors.

SEC. 14. Each board of directors shall make all such by-laws and regulations for the government of their institutions as shall be necessary: among which regulations shall be such as shall make the institution as nearly self-supporting as is consistent with the purpose of its creation. The board shall cause the by-laws and regulations, the report of the superintendent, and that of the treasurer, to be published with their report to the general assembly, copies of which shall be sent to the clerk of the superior [court] of every county in the state.

Reports shall be published.

Proceedings for admission.

SEC. 15. For admission into a state hospital, the following proceedings shall be had: Some respectable citizen, residing in the county of the alleged insane person, shall make before and file with the clerk of the superior court of the county, an affidavit in writing, which shall be substantially in the following form:

STATE OF NORTH CAROLINA,  
..... County.

The undersigned, residing in said county, makes oath that he has carefully examined ..... and believes him to be an insane person, and to be, in the opinion of the undersigned, a fit subject for admission into a hospital for the insane.

Dated .... day of ....., A. D. ....

....., Affiant.

Sworn and subscribed before ....., Clerk superior court.

Whereupon, unless the person in whose care or custody the insane person is, will agree to bring him before said clerk without a warrant, or unless the clerk shall be of the opinion that it will be injurious to the insane person to be brought before him, the clerk shall issue a precept, directed to the sheriff or other lawful officer, substantially in the following form:

## STATE OF NORTH CAROLINA.

To the Sheriff or other lawful officer of ..... county—Greeting:

Whereas, information on oath, has been laid before me that ..... is insane, you are hereby commanded to bring him before me within the next ten days that necessary proceedings may be had thereon. Given under my hand .... day of ....., A. D. ....  
....., Clerk superior court.

If the alleged insane person be confined in jail otherwise than for crime, the sheriff shall remove him from the jail upon the order from the clerk. Upon the bringing of the alleged insane person before the clerk by his friends, or upon the return of the precept with the body of [the] insane person, the clerk shall call to his assistance the county physician of said county, or some other licensed and reputable physician, resident of this state, and shall proceed to examine into the condition of mind of the alleged insane person; he shall take testimony of at least one licensed physician, resident of this state, and if possible, a member of the family, or some friend or person acquainted with the alleged insane person, who has had opportunities to observe him after such insanity is said to have begun.

When clerk shall call in physician.

If the clerk, after his examination of the alleged insane person, and the hearing of the testimony as aforesaid, shall decide that such person is sane, he shall forthwith discharge him. If he shall decide that such person is insane, and some friend, as he may do, will not become bound with good security, in an amount to be fixed by the clerk, to restrain him from committing injuries, and to keep, support and take care of him until the cause for confinement shall cease, he shall direct such insane person to be removed to the proper hospital as a patient, and to that end he shall direct a warrant to the sheriff, or other officer, and at the same time shall transmit to the proper board of directors the examination of the witnesses, and the statement of such facts as he shall deem pertinent to the subject matter, which warrant shall be substantially as follows:

Duty of clerk.

Shall give security to restrain from committing injury.

## STATE OF NORTH CAROLINA.

To the Sheriff or other lawful officer of .... county—Greeting:

Whereas, it has been made to satisfactorily appear to me ....., clerk of the superior court of said county, that ....., a citizen of the state, is an insane person, that he has a legal settlement in said county, and is a fit subject for a state hospital, and that his being at large is injurious to himself and disadvantageous if not dangerous to the community: you are hereby commanded to take the said ....., and convey him to the proper hospital, and there deliver him to the superintendent thereof for safe keeping.

Form of clerk's warrant.

Given under my hand this .... day of ....., A. D. ....

....., Clerk superior court.

Clerk may go to residence of insane person.

If the clerk of the court shall be of the opinion that it will be injurious to the alleged insane person to be brought before him, the clerk shall proceed to the residence or habitation of said person and take the examination there.

In cases of emergency.

In a case of emergency, when for any reason the clerk of the court can not go or is absent from the county, then any justice of the peace is hereby authorized to proceed in like manner by taking the testimony of the physician and other witnesses, as is before provided for in this section, and report the same to the clerk. If the clerk is satisfied that the alleged insane person is a fit subject for a hospital for the insane, he shall issue an order for his commitment. In cases of great emergency or inconvenience, the said justice may commit a patient to a hospital, and the superintendent is authorized to receive him, but the justice shall procure an order from the clerk to be forwarded to the superintendent within thirty days. The following fees shall be allowed to the officers who make the examination and they shall be paid by the county in which the alleged insane person is settled: to the clerk or justice who makes the examination, two dollars, and if the clerk goes to the home of the insane person, he shall be entitled, in addition to this sum, to five cents a mile each way. This shall cover his entire cost in taking the examination, and making out the necessary papers.

Fees for officers making examination.

Fees for physician attending.

The physician called in the absence of the county physician, shall be entitled to two dollars with mileage. The sheriff shall be entitled to such fees as are now allowed by law for the service of process of similar character.

County physician allowed no compensation.

The county physician, being a salaried officer, is not allowed any fee for his services in this examination.

Insane patients in counties other than their own.

SEC. 16. Whenever any citizen or resident of this state becomes suddenly or violently insane, in some county other than that of his settlement, the proper authorities, as hereinbefore provided, of any county in which he shall be, shall have authority to examine him, and if necessary commit him to the hospital to which he would be sent had he been committed from the county of his own settlement.

Transcript of proceedings to insane person's county.

Immediately upon the commitment to a hospital of any such person, a transcript of the proceedings shall be sent to the clerk of the county in which he is settled, and that county shall pay over to that county from which he was committed, all the cost of the examination and commitment, and if the board of commissioners of the county of the settlement shall fail to pay all proper expense of said proceedings within sixty days after the claim shall have been presented, they shall forfeit and pay to the county which committed the insane person the sum of two hundred and fifty dollars, to be recovered by the commissioners of that county in a civil action brought in the superior court of that county from which the patient was committed to the hospital, against the commissioners of the

Failure by county to pay.

other county. If any person not a citizen or resident of this state, but a citizen and resident of another state of the United States, shall be ascertained to be insane, the clerk of the court shall immediately notify the governor of the state of which the insane person is a citizen, of the facts and circumstances by letter (or telegraphic message if he thinks proper), and for a reasonable length of time the insane person shall be kept confined or restrained in said county, but shall not be committed to any state hospital, and if the state of his citizenship shall not provide for the removal from this state to his proper state of the insane person within a reasonable time, the county commissioners of the county in which he shall have been ascertained to be an insane person, shall cause him to be conveyed to the state of which he is a citizen and delivered there to the sheriff of his county or to the superintendent of any state hospital. The cost of such proceedings and conveyance away from this state shall be borne by the county in which the person shall have been adjudged to be insane. If any person, not a citizen of the United States, shall be ascertained to be insane, the clerk of the court shall immediately notify the governor of this state of the name of the insane person, the country of which he is a citizen, and his place of residence in said country if the same can be ascertained, and such other facts in the case as he may obtain, together with a copy of the examination taken; and the governor shall transmit said information and examination to the secretary of state at Washington, D. C., with the request that he inform the minister resident or plenipotentiary of the country of which the insane person is supposed to be a citizen.

SEC. 17. The clerk will keep a record of all examinations of persons alleged to be insane, and he shall record in such record a brief summary of the proceedings and of his findings, and whenever a justice of the peace shall transmit to the clerk a report of his proceedings (when he shall have examined a person under the powers granted under this act), the clerk shall make a record of his proceedings, and for recording the justice's proceedings he shall be entitled to a fee of twenty-five cents, to be paid by the county aforesaid, and he shall keep a record of all probations and discharges provided for in section twenty-two of this act.

SEC. 18. No clerk of the court or justice of the peace shall commit to a hospital any person who is not a *bona fide* citizen and resident of this state; and no person who shall have removed into this state from another state while insane, shall be deemed a resident or citizen of this state, and no length of residence in this state of a person who was insane at the time he moved into this state, shall be sufficient to make that person a citizen or resident of North Carolina within the meaning of this law. In every examination of an alleged insane person it shall be the duty of the clerk or justice of the peace to particularly inquire whether the alleged insane person

Insane persons residents of other states how dealt with.

Shall be delivered to sheriff of native county.

Cost of proceedings.

Insane persons not citizens of United States.

Clerk shall keep record of examinations.

Fees.

Persons who shall not be committed.

Duty of clerk or justice to inquire as to certain facts.

is a resident of this state, as hereinbefore set forth, and he shall state his findings upon the subject in his report to the superintendent of the hospital. If it is not possible to ascertain the legal residence of the alleged insane person, and the clerk or justice of the peace shall be of the opinion that the insane person is a resident of this state, within the meaning of this law, he shall state that he was unable to ascertain the legal residence of the insane person, and shall commit him to the hospital of his district. If any clerk or justice of the peace shall knowingly commit to any hospital a person who is not a *bona fide* citizen and resident of this state, he shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned at the discretion of the court. No cretin or idiot shall be committed to any hospital, and for the purpose of this act, an idiot is defined to be a person born deficient or who became deficient before the full completion of the twelfth year of age.

Clerk or justice knowingly committing non-residents, a misdemeanor.

Cretins and idiots.

Questions to be answered by examining physician.

SEC. 19. The following questions with their respective answers, by at least one licensed physician, resident of this state, and such other competent witnesses as the clerk or justice shall determine, duly sworn and subscribed by them, and so certified by said clerk or justice, shall be transmitted with the other papers to the superintendent of the proper hospital, to be reported as soon as practicable to the board of directors. Pending the consideration of the application by the board of directors, the patient shall remain in the custody of the officer or such person as the clerk may designate until it can be ascertained if there is room for the patient at the hospital.

Name of patient.

- Question 1. What is the name of the patient?  
Answer .....
- Question 2. Is ..... white or colored?  
Answer .....
- Question 3. What is ..... age?  
Answer .....
- Question 4. What is the occupation of patient?  
Answer .....
- Question 5. Is ..... married or single; and if married for how many years?  
Answer .....
- Question 6. If patient be married woman, state maiden name.  
Answer .....
- Question 7. Has ..... any education, if so how much?  
Answer .....
- Question 8. Where was ..... born?  
Answer .....
- Question 9. How many attacks of mental disease has the patient had?  
Answer .....

Question 10. What is the supposed cause of the present attack of insanity?

Answer .....

Question 11. Has ..... been subject to epilepsy?

Answer .....

Question 12. How long has ..... been insane? (Count from the first symptoms of present attack, and give all known symptoms from that time to this date.)

Answer .....

Question 13. In what way is the disease exhibited?

Answer .....

Question 14. Has ..... any delusions? If so what are they?

Answer .....

Question 15. Is ..... destructive to clothing or furniture?

Answer .....

Question 16. Is ..... filthy or indecent?

Answer .....

Question 17. Has the patient manifested any propensity to injure ..... self or others? If so, in what way and how often?

Answer .....

Question 18. Has ..... ever threatened suicide?

Answer .....

Question 19. Has ..... ever attempted suicide?

Answer .....

Question 20. Has ..... ever threatened homicide?

Answer .....

Question 21. Has ..... ever attempted to commit homicide?

Answer .....

Question 22. Has ..... any family? And if so, what persons compose it? Age of youngest child?

Answer .....

Question 23. Are any of them insane, and what is the character of such insanity?

Answer .....

Question 24. Are parents of the insane person related by blood? If so, what is the degree of relationship?

Answer .....

Question 25. Have any of ..... ancestors been insane? If so, state what ancestors, and what was the character of their insanity?

Answer .....

Question 26. Are any of .... relatives deaf, dumb, blind, idiotic, epileptic or paralyzed? If so, state relationship?

Answer .....

Question 27. What is ..... bodily condition? Chronic or acute physical disease. State the diseases and stage of disease (wounds, bruises, rupture, pregnancy).

Answer .....

Question 28. Has any medical treatment been pursued? If so, what kind and by whom?

Answer .....

Question 29. Is ..... in jail?

Answer .....

Question 30. Is ..... in poor house?

Answer .....

Question 31. Is ..... under any forcible restraint? If so, what?

Answer .....

Question 32. Has patient any property? If so, state in what property consists, and what is the value thereof?

Answer .....

Question 33. Has the patient received any aid from county? If so, what?

Answer .....

Question 34. Give name and post-office of the nearest relative with whom the superintendent of the hospital can correspond, as circumstances require, for the benefit of the patient?

Answer .....

Name .....

Relationship .....

P. O. address .....

Question 35. Give any information in your possession not embraced in the above question, which may throw light on the mental or physical condition of the patient?

Answer .....

....., M. D.

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Witnesses.

STATE OF NORTH CAROLINA.

..... County.

Oath.

Before ....., officer, ..... duly authorized to administer an oath, this .... day of ....., A. D. ...., came ..... M. D., ..... persons known to be credible and reliable witnesses (one of whom is a physician), and make oath that the foregoing answers are true to the best of their knowledge and belief.

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When commissioners may discharge insane persons.

SEC. 20. It shall be the duty of the board of county commissioners, by proper order to that effect, to discharge any ascertained insane person in their county, not admitted to the appropriate hospital, and not committed for crime, when it shall appear upon the certificate of two respectable physicians, and the chairman of their

board, that such insane person ought to be discharged if in a hospital.

SEC. 21. Wherever any insane person shall be conveyed to any hospital, and the superintendent is in doubt as to the propriety of his admission, he may convene any three of the board of directors of his hospital, who shall constitute a board for the purpose of examining and deciding if such person is a proper subject for admission; and if a majority of such board so decide, such person shall be received into said hospital; but a like board may at any time thereafter deliver said insane person to any friend who will become bound with good surety, to restrain him from committing injuries, and to keep, maintain, and take care of him, in the same manner as he might have become bound under the authority of the clerk of the court.

When superintendent doubts propriety of admission of patient.

SEC. 22. Any three of the board of directors of any hospital, upon the superintendent certifying the facts, (a copy of which certificate shall be sent to the clerk of the superior court of the county of settlement), shall be a board to discharge or remove from their hospital any person admitted as insane, when such person has become, or is found to be of sane mind, or when such person is incurable, and in the opinion of the superintendent his being at large will not be injurious to himself or dangerous to the community, or said board may permit such person to go to the county of his settlement on probation, when in the opinion of the said superintendent it will not be injurious to himself or dangerous to the community; and said board may discharge or remove such person, upon other sufficient causes appearing to them, and whenever any such person, admitted as indigent, may be so discharged or removed, except as sane, it shall be the duty of the sheriff of the county of his settlement to convey such person to his county at its expense, and any such person discharged as sane shall receive from such hospital a sum of money sufficient to pay his transportation to the county of his settlement, which sum shall be repaid by said county, and if necessary, the hospital shall provide the patient with a decent suit of clothes.

Board may discharge persons admitted.

County shall bear expense.

When notified by the superintendent to come for, and remove any insane person from the hospital, it shall be the duty of the sheriff of the county, in which the insane person has a settlement, forthwith to convey the insane person from the hospital to the county of his settlement. The cost of said removal shall be advanced by the sheriff and repaid to him by the county of insane person's settlement, and if any sheriff, after having been notified by the superintendent to remove any insane person as aforesaid, shall fail to do so within fifteen days from the time of the receipt of the letter of notice, he shall forfeit and pay to the said hospital the sum of fifty dollars, to be collected in the manner hereinafter provided for the collection of penalties, given in this act, and if the commissioners of any county

Sheriff shall remove insane persons when notified by superintendent.

Sheriff's failure to heed notice unlawful.  
Penalty.

shall fail to repay to the hospital the money disbursed in paying for the necessary clothes and traveling expenses of any person discharged as cured from said hospital, within sixty days after the presentation of a claim therefor, the said commissioners shall forfeit and pay to the said hospital the sum of fifty dollars to be collected in the manner hereinafter provided for the collection of penalties.

Superintendents may discharge persons upon probation.

SEC. 23. Each superintendent may, for the space of thirty days, or until the next meeting of the board of three directors provided for in section twenty-two of this act, discharge upon probation any patient, when in his opinion the same would not prove injurious to the patient or dangerous to the community. A report of all such probations shall be rendered to the said board of three directors at their first ensuing meeting. .

Report of probation.

Sheriff shall attend to comfort of insane persons.

SEC. 24. Every sheriff or other person bringing to a hospital a patient, shall see that the patient is clean, free from contagious disease and vermin, and that he has clothing proper for the season of the year, and in all cases two full suits of underclothing. When necessary to buy clothing for the patient, or to do any act necessary to comply with this section, the sheriff shall make the purchase, or have done the act, and the same shall be paid for by the state hospitals. If any sheriff or other person shall carry to a hospital a patient without meeting the requirements of this section, he shall forfeit to, and pay to the hospital to which he carries the patient the sum of twenty-five dollars, to be recovered by said hospital in the manner hereinafter provided, and if any state hospital shall fail to repay to the sheriff the money properly and necessarily expended in having any patient properly attended to and clothed and provided with clothes as hereinbefore required, within sixty days after the sheriff or other person, shall have presented to them his account for the same the state hospitals shall forfeit to the said sheriff, or other person, the sum of twenty-five dollars, to be recovered by the sheriff or other person in a civil action before any justice of the peace of the county.

Failure to comply with this section unlawful.

Sheriffs shall not convey patients to hospitals unless knowing the patient will be admitted.

SEC. 25. No sheriff or other person shall convey a patient to any hospital without having ascertained that the patient will be admitted, and if any sheriff or other person shall carry a patient to a hospital without having ascertained that the patient will be admitted, and the patient is not admitted, he shall be required to convey the patient back to the county of his settlement, and he shall not be repaid by the county or the hospital, for the expenses incurred in carrying the patient to and from the hospital.

Superintendent may refuse certain patients.

SEC. 26. The superintendent of the hospital may refuse to receive into his institution a patient when he shall have reliable information that the patient has recently been exposed to infectious or contagious disease, and there is danger of contagion and infection being conveyed by the patient or where the patient comes from a quarantined community. Whenever a patient is rejected because of any

of these reasons, the superintendent shall make a record of the application, and as soon as, in his opinion, the danger shall have been removed, he shall notify the sheriff of the county, and admit the patient into his hospital.

SEC. 27. Any superintendent may notify the sheriff within whose county any person sent from his hospital on probation, or escaped therefrom, may be found, and thereupon it shall be the duty of such sheriff forthwith to take such person and return him to such hospital at the expense of the county of the settlement of the patient.

Patients on probation or escaped, how returned.

SEC. 28. For the purposes of this chapter the settlement of every person admitted to a state hospital as insane shall be in the county where the actual place of his residence at his admission may be situated, when such settlement comes in question, but no person can have a settlement in any county in this state unless he is a *bona fide* citizen and resident of this state, and was so before mental disease became manifest.

Residence of patients defined.

SEC. 29. All bonds executed for restraining insane persons from committing injuries, and for their safe keeping, support and care, shall be payable to the state of North Carolina, in the sum of five hundred dollars at least, and shall be transmitted to the clerk of the superior court of the county wherein said insane person is settled, for safe keeping, and may be put in suit by any person injured by said insane person by reason of his insane condition; and shall be put in suit by the solicitor for the judicial district, in which the county of said insane persons' residence is situate, for any other breach thereof, wherein the damage received shall be for the use of said insane person.

Bonds executed for restraint of patients, to whom issued.

SEC. 30. The form of bond mentioned in preceding section shall be as follows:

Form of bond.

STATE OF NORTH CAROLINA,  
County of .....

Know all men by these presents, that we A..... B..... principal, and C..... D....., and E..... F..... sureties, are held and firmly bound unto the state of North Carolina in the sum of ..... dollars for the payment whereof we bind ourselves and each of us.

Witness our hands and seals this ..... day ..... 1.....

The condition of the above obligation is this:

Whereas, the said A.... B.... with the view of hindering G..... H.... an insane person resident in the county aforesaid from being sent to..... insane hospital (or to effect his release from the said hospital as the case may be) hath undertaken to restrain him from committing injuries and to keep, maintain, support and take care of the said G..... H....., Now, if the said A.....

B..... shall faithfully comply with the conditions of this obligation, then the same shall be void, otherwise it shall be in full force.

A.....B [Seal]

C.....D [Seal]

E.....F [Seal]

Directors and superintendents not liable.

SEC. 31. No director or superintendent of any state hospital shall be personally liable for any act or thing done under, or in pursuance of any of the provisions of this chapter.

Cost and expenses of conveying patients.

SEC. 32. The cost and expenses of conveying every insane person to any hospital, from any county, or of removing him from the hospital to his county, or of the return to the county of his settlement, as same, shall be paid by the treasurer of such county, upon the order of its board of county commissioners. Whenever the board of commissioners shall be satisfied that such person has property sufficient to pay such cost and expenses, or that some other person liable for his support and maintenance, has property sufficient to pay such costs and expenses as aforesaid, they shall bring an action and recover the amount paid from the said person, or from the other person liable for his support and maintenance.

When patient has sufficient means.

Failure to comply with conditions of bond.

SEC. 33. Whenever it shall be made to appear to the clerk of the superior court of the county of settlement of an insane person released on bond, that the conditions of the bond are not faithfully complied with, said insane person shall be sent back to the proper hospital by him, unless some other responsible and discreet friend will undertake to fulfill the duties of said obligation and whenever said insane person shall be sent back, he shall not be delivered on any new bond of the defaulting obligor.

Moneys and proceeds given to hospitals, to whom paid.

SEC. 34. All moneys and proceeds of property given to any hospitals, and all money arising from the sale of any real estate which may be owned by such hospital, shall be paid into the state treasury, and all donations in which there shall be special directions for their applications, shall be kept as a distinct fund and faithfully applied, as the donor may have directed; and the same hospital shall be supported by appropriations from the state treasury. But the proceeds arising from the sale of personal property belonging to a hospital, the board paid by private patients, rentals from real estate, and money from any other sources, except the sale of real estate, shall remain with the hospital and be used as the board of directors may determine. An account of the proceeds of all such income and its expenditure shall be carefully kept and published in the report to the general assembly.

Certain other proceeds, how applied.

Hospital officers and employees exempt from certain duties.

SEC. 35. In order to secure their constant supervision and attendance, the officers and employees of any state hospital shall be exempt from serving on juries, in the militia, and from the duty of working on the public roads.

SEC. 35. Each board of directors shall cause all their proceedings to be faithfully and carefully written and recorded in books, and to this end may employ a clerk, and pay him a reasonable compensation for his services. The books shall, at all times, be open to the inspection of the general assembly.

Proceedings of directors shall be recorded.

SEC. 37. The board of public charities and the members of the general assembly shall be *ex officio* visitors of all state hospitals. It shall be the duty of the board of public charities to visit the hospitals from time to time, as they may deem expedient, to examine into their condition and make report thereon to the general assembly, with such suggestions and remarks as they may think proper. And to the said board, and to the board of directors of his hospital, and to the general assembly only shall each superintendent be required to make reports or furnish statistics.

Ex officio visitors.

Duty of board of public charities.

SEC. 38. The close of the fiscal year shall be the thirtieth day of November in each year, and all accounts and estimates shall be made with reference thereto.

Close of fiscal year.

SEC. 39. Whenever any person shall be found to be insane in the mode hereinbefore prescribed, and such person shall be possessed of an income sufficient to support those who may be legally dependent for support on the estate of such insane person, and moreover, to support and maintain such insane person in any named hospital without the state, or any private hospital within the state; and such insane person, if of capable mind to signify such preference, shall, in writing, declare his wish to be placed in such hospital instead of being in a state hospital (or in case such insane person is incapable of declaring such preference, then the same may be declared by his guardian) and two respectable physicians who shall have examined such insane person, with the clerk of the court or justice of the peace who made the examination, shall deem it proper, then it may be lawful for said clerk or justice, together with said physicians, to recommend in writing, that such insane person shall be placed in the hospital so chosen as a patient thereof.

Persons with sufficient income for support, etc.

SEC. 40. It shall be the duty of any person having legal custody of the estate of such insane person to supply funds for his support in the hospital in which he may be so placed during his stay therein, and so long as they may be sufficient for that purpose, over and beyond maintaining and supporting those persons who may be legally dependent on the estate as aforesaid.

Duty of persons having legal custody of estates of insane persons.

SEC. 41. It shall be the duty of the justice, when he shall act, to report the proceedings in such cases to the clerk of the superior court of the county in which such insane person may reside or be domiciled.

Duty of justice to report.

SEC. 42. The clerk of the court shall lay the proceedings before the judge of the superior court of the district in which such insane person may reside or be domiciled, and if he approve them, he shall so

Clerk of court shall lay report.

declare in writing, and such proceedings with the approval thereof, shall be recorded by said clerk.

Certified copy of proceedings, with approval of judge sufficient warrant.

SEC. 43. A certified copy of such proceedings, with the approval of said judge, shall be sufficient warrant to authorize any friend of such insane person appointed by the said judge to remove him to the hospital designated.

Priority shall be given to indigent insane. Proviso.

SEC. 44. In the admission of patients to any state hospital, priority of admission shall be given to the indigent insane: *Provided*, that the boards of directors may regulate admissions, having in view the curability of patients, the welfare of their institutions, and the exigencies of particular cases: *Provided further*, that said boards may, if there be sufficient room, admit other than indigent patients. If any inmate of any state hospital shall require private apartments, extras or private nurses, the directors, if practicable, shall provide the same at a fair price to be paid by said patient.

Proviso.

When private apartments required.

Insane persons of violent character may be committed to jail temporarily.

SEC. 45. When any person is found to be insane under any of the provisions of this chapter, and he can not be immediately admitted to the appropriated hospital, and such person is also found to be subject to such acts of violence as threaten injury to himself and danger to the community, and he can not otherwise be properly restrained, he may be temporarily committed to the county jail until a more suitable provision can be made for his case.

May arrange for treatment of inebriates.

SEC. 46. The directors of each hospital may arrange for the admission into their hospitals for treatment of inebriates of both sexes, and may establish rates of charges. No inebriate shall be admitted for treatment without pay, but the several counties, cities and towns are by this act given authority to pay the expenses of any inebriate committed at their request. The number of inebriates under treatment at the hospital shall not at any time exceed twenty-four; twelve of each sex. The inebriates mentioned herein shall be such as are described in section one thousand six hundred and seventy-one of The Code, and the acts amendatory thereof.

Counties, cities and towns may pay expenses of inebriates.

Inebriates defined.

Inebriates, how committed

Term of commitment.

SEC. 47. Inebriates may be committed in the same manner and with the same provisions and formalities as nearly as is practicable, as is hereinbefore provided for the commitment of insane persons, except that the commitment of every inebriate shall be for a specified time, not exceeding twelve months, and in no case for a period less than three months. At the end of the period for which the inebriate was committed, if the superintendent and board of directors shall be of the opinion that a longer confinement of such inebriate is necessary or advantageous, they may detain the inebriate for a longer period not to exceed, in any case, six months.

SEC. 48. If any inebriate, while under treatment at any hos-

pital, is found to be insane, he shall be detained in said hospital and treated as an insane person. The superintendent shall report such fact to the board of directors, and they shall treat his report as an application for the admission of the inebriate into the hospital as an insane patient, and if they approve of the admission, the inebriate shall from thenceforth be considered and treated as an insane patient, and not as an inebriate, and the order of the board of directors shall be considered as is provided for in a former section of this act. In every such case, the superintendent of the hospital shall notify the clerk of the county of the patient's settlement, and the clerk shall make an entry upon the record he is required to keep of insane persons committed to the hospital.

Insane inebriates.

Superintendent shall notify clerk.

SEC. 49. Any person believing himself to be of unsound mind, or threatened with insanity may voluntarily commit himself to the proper hospital. The application for commitment shall be in the form following:

Persons believing themselves unsound.

## STATE OF NORTH CAROLINA.

County of \_\_\_\_\_

I, \_\_\_\_\_, a resident of \_\_\_\_\_ county, North Carolina, being of mind capable of signifying my wishes, do hereby solicit admission as a patient in the state hospital at \_\_\_\_\_ for such a period of time as the board of directors and the superintendent may deem necessary. And I agree in all respects to conform to the rules and regulations of said institution during the period which shall be prescribed by the superintendent and board of directors.

Form of voluntary and personal application for admission.

Attest \_\_\_\_\_

And it shall be likewise accompanied by the certificate of a licensed physician, which certificate shall state that in the opinion of the physician, the applicant is a fit subject for admission into a hospital, and that he recommends his admission. The certificate of the clerk of the superior court need not accompany this application. The superintendent may, if he thinks it a proper application, receive the patient thus voluntarily committed, and treat him until the next meeting of the board of directors, or of the executive committee, and shall report the application and admission to the first meeting of either of said boards, and if either of said boards approve said admission, the patient shall be considered as having been regularly committed, and shall in all respects be treated as such. But no report need be made to the clerk of the court of his county of settlement. The superintendent and board of directors shall have the same control over patients who commit themselves voluntarily, as they have over those committed under the regular proceedings here-

Physician's certificate.

Superintendent may receive applicant.

Control of directors and superintendent for such patients.

inbefore provided. And no voluntary patient shall be entitled to a discharge until he shall have given the superintendent ten days notice of his desire to be discharged.

Inmates of hospitals exempt from civil processes except on certain conditions.

SEC. 50. No sheriff or other officer shall serve a summons or other civil process upon an inmate of a hospital, unless he shall first have obtained the permission of the superintendent to do so, and if the said superintendent shall be of the opinion that the said summons or other proceedings can not be served without injury to said inmate, he shall not serve the same upon the inmate at all, but shall make service thereof by reading the same and delivering a copy of the same to the superintendent, and he shall endorse upon the summons and other process the manner of service, and state that it was served upon the superintendent of the hospital, naming him, because he was informed by the said superintendent that the defendant or person upon whom the summons or process was to be served was an inmate of his hospital, and that the service could not be made upon the inmate without danger of injury to him. Such return shall be deemed sufficient, and shall in all respects be considered as valid as if the service had been made upon the inmate in person. And when an insane person shall be confined in the jail of any county, it shall be sufficient for the officer charged with service of a notice, summons or other civil process, to serve the same upon the insane person, unless the county physician shall be of the opinion that it would be injurious to the insane person. In that case service shall be made in the manner aforesaid upon the sheriff and the county physician, and the officer charged with the service of said process, shall state all the facts and the manner of his service upon the sheriff and the county physician, naming them, and the said return shall be deemed sufficient and in all respects as valid as if it had been made actually upon the insane person.

Sufficient returns.

When county physician is of opinion that service would be injurious.

Clerks may appoint guardians for estate of insane persons.

SEC. 51. Upon the hearing before the clerk of the superior court of an application for the appointment of a guardian for the person or estate of any person alleged to be insane, the certificate of the superintendent of any state hospital certifying under oath, before any notary public or clerk of the court that the alleged lunatic is an inmate of his hospital and that he has been an inmate for not less than three months, and that he believes that the said inmate is an insane person, shall be sufficient evidence upon which the clerk of the court may adjudge the person to be insane, and to justify the clerk in appointing a guardian for his property or person, or for both, and in such cases, an inquest of lunacy shall not be necessary.

Unlawful to give inmate of state hospital liquors, narcotics, etc.

SEC. 52. It shall be unlawful for any person to sell or give to any inmate of a state hospital any intoxicating drink, any narcotic, and poison or poisonous substances, or any deadly weapon,

or any cartridge or ammunition for firearms of any kind, and every person violating this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined or imprisoned at the discretion of the court.

Misdemeanor.

Penalty.

SEC. 53. It shall not be lawful for any person to assist an inmate of any state hospital to escape therefrom, and every person who shall assist any inmate of a state hospital to escape therefrom, shall be guilty of a misdemeanor, and upon conviction, shall be fined or imprisoned at the discretion of the court.

Unlawful to assist inmates of hospitals in escaping.

Misdemeanor.

Penalty.

SEC. 54. Authority is hereby conferred upon the board of directors of each hospital to enact ordinances for the regulation and deportment of persons in the buildings and grounds of the institution, and for the suppression of nuisances and disorder. Each of the said boards shall have all the powers conferred upon cities and towns in chapter sixty-two of The Code, relative to the adoption of ordinances and the suppression of nuisances, and disorderly conduct within the grounds of their respective institutions. Each board of directors is empowered and directed to adopt all necessary ordinances for the conduct and deportment of persons within their buildings and grounds, and for the suppression of nuisances and for the prevention of violent and disorderly conduct within their grounds: and when adopted the ordinances shall be recorded in the proceedings of the said board.

Board of directors may adopt rules, ordinances, etc.

and printed, and a copy posted at the entrance to the grounds, and not less than three copies posted at different places within the grounds, and when so adopted, and printed, and posted up, the ordinances shall be binding upon all persons coming within the grounds. Each board is empowered and directed to prescribe penalties for the violation of each section of the ordinances so adopted, and if any person violates a section of the ordinances, the penalty prescribed may be recovered in a civil action instituted in the name of the hospital against the person offending, before any justice of the peace in the county in which the hospital is situated and the sum so recovered shall be used as the board of directors shall direct. Every person who shall violate any ordinance adopted by the board of directors of any state hospital, as aforesaid shall be guilty of a misdemeanor, and upon conviction, shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Ordinances shall be publicly displayed.

and printed, and a copy posted at the entrance to the grounds, and not less than three copies posted at different places within the grounds, and when so adopted, and printed, and posted up, the ordinances shall be binding upon all persons coming within the grounds. Each board is empowered and directed to prescribe penalties for the violation of each section of the ordinances so adopted, and if any person violates a section of the ordinances, the penalty prescribed may be recovered in a civil action instituted in the name of the hospital against the person offending, before any justice of the peace in the county in which the hospital is situated and the sum so recovered shall be used as the board of directors shall direct. Every person who shall violate any ordinance adopted by the board of directors of any state hospital, as aforesaid shall be guilty of a misdemeanor, and upon conviction, shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Civil action for violation may be instituted.

and printed, and a copy posted at the entrance to the grounds, and not less than three copies posted at different places within the grounds, and when so adopted, and printed, and posted up, the ordinances shall be binding upon all persons coming within the grounds. Each board is empowered and directed to prescribe penalties for the violation of each section of the ordinances so adopted, and if any person violates a section of the ordinances, the penalty prescribed may be recovered in a civil action instituted in the name of the hospital against the person offending, before any justice of the peace in the county in which the hospital is situated and the sum so recovered shall be used as the board of directors shall direct. Every person who shall violate any ordinance adopted by the board of directors of any state hospital, as aforesaid shall be guilty of a misdemeanor, and upon conviction, shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Misdemeanor.

Penalty,

SEC. 55. The superintendent of each hospital is hereby empowered to appoint such number of discreet employees of his hospital, as he may think proper, special policemen, and within the grounds of such hospital, the said employees so appointed policemen, shall have all the powers of policemen of incorporated towns. They shall have the right to arrest without warrant, persons committing violations of the state law or the ordinances of

Superintendent empowered to employ assistants.

May arrest without warrants.

that hospital, in their presence, and within the grounds of their hospitals, and carry the offenders before some justice of the peace for trial. The justice of the peace shall issue a warrant and proceed, as in other criminal cases before him.

Employees before exercising duties as special policemen, shall make oath.

SEC. 56. Before exercising the duties of a special policeman, the employees appointed as aforesaid shall take an oath of office before some justice of the peace of the county, or other officer empowered to administer oaths, and the same shall be filed with the records of the board of directors. The oath of office shall be as follows:

STATE OF NORTH CAROLINA.

----- County.

Oath of special policemen.

I ----- do solemnly swear (or affirm) that I will well and truly execute the duties of office of special policeman, in and for the state hospital at -----, according to the best of my skill and ability, and according to law. And that I will use my best endeavors to enforce all the ordinances of said hospital, and to suppress nuisances, and to suppress and prevent disorderly conduct within said grounds. So help me, God.

Sworn and subscribed before me this ----- day of ----- A. D. -----

Suits for recovery of penalty.

SEC. 57. Whenever suit shall be brought against a sheriff or board of county commissioners for the recovery of a penalty prescribed for doing an act forbidden, or failure to do any act required by this act, the judge or justice of the peace before whom the action is tried may order so much of said penalty to be remitted as in his judgment should be remitted to meet the ends of justice, and he shall enter up judgment for the amount of the penalty, to be discharged by the payment of such a sum as he may think just, and the costs of the action. In fixing the amount to be remitted, (if the judge or justice should think the remission of any part proper) he shall consider the costs and expenses that the plaintiff may have been put to, and he should also consider the conduct of the defendants; and there ought to be no remission when the act of the defendants is wanton or contumacious, or is grossly negligent.

Trial officer may remit penalty.

The use of pronouns in reference to inebriates construed.

SEC. 58. In this act wherever the personal pronoun "he," "his" or "him" is used to designate any insane person, or inebriate, it may be considered a pronoun of common gender, and may be construed as having reference to female as well as to male insane persons and inebriates.

Benefits to injured employees.

SEC. 59. The board of directors of each hospital shall have power to provide benefits, to be paid to any employee of the hospital who shall be injured while discharging the duties of a vol-

unteer fireman. And the board may inaugurate a system by which a fund is raised to provide suitable benefits for said fireman and may contribute from the funds of said hospital for that purpose. The volunteer firemen at the various hospitals, not being members of the State Firemen's Association, and not contributing towards the State Firemen's Relief Fund, will not share in it.

Benefit funds.

#### PRIVATE HOSPITALS, HOMES OR SCHOOLS.

SEC. 60. It shall be lawful for any person or corporation to establish private hospitals, homes or schools for the cure and treatment of insane persons, idiots, and feeble minded persons and inebriates; but license to establish said hospitals, homes or schools, must, before the same are opened for patronage, be obtained from the board of public charities, and said hospitals, homes or schools, shall at all times be subject to the visitation of the said board or any member thereof, and each hospital, home or school, shall make to said board a semi-annual report on the first days of January and July of each year. In said report shall be stated the number and residence of all patients admitted, the number discharged during the six months preceding, and the officers of the hospital, home or school. And each hospital, home or school, shall file with the said board a copy of its by-laws, rules and regulations, and rates of charges. The books of each hospital, home or school, shall at all times be open to the inspection of the said board or any member thereof. The board of public charities is hereby given the authority to supervise and regulate all private hospitals, homes and schools, established hereafter in this state for the treatment of the above classes of people, and the said board shall have power to prescribe all such rules and regulations as they may deem necessary and shall exercise the power of visitation, and for that purpose may depute any member of their board to visit and supervise any private hospital, home or school hereafter established under this act. The board of public charities may bring an action in the superior court of Wake county to vacate and annul any license granted by said board, when it shall appear to the satisfaction of said board that the managers of any private hospital, home or school, have been guilty of gross neglect, cruelty or immorality.

Private hospitals lawful.

License obtained from board of public charities.

Semi-annual reports.

Books shall be kept open for inspection.

Power of board of public charities as regards private hospitals.

Board may bring action to annul license.

SEC. 61. Any county, city or town, may establish a hospital for the maintenance, care and treatment of such insane persons as can not be admitted into a state hospital, and of idiots and feeble-minded persons upon like conditions and requirements as are above prescribed for the institution of private hospitals; and the board of [public] charities is given the same authority over such hospitals as is given them by the preceding section of this act for private hospitals.

Counties, cities and towns may establish hospitals.

Treatment of dangerous insane.

Board of directors of Raleigh hospital given control of said insane.

State prison and hospital shall be separated.

Sexes and races shall be kept separate.

Persons who shall be sent to this department.

Proviso.

Patients shall not be transferred.

Patients against whom criminal indictment is pending shall not be discharged when cured.

SEC. 62. The dangerous insane shall be cared for and treated in the wards which have heretofore been assigned for that purpose under chapter five hundred and twenty, public laws eighteen hundred and ninety-seven, and the said wards, and such as may hereafter be attached to them, shall be known as "the hospital for the dangerous insane," and the board of directors of the state hospital at Raleigh is given full control and management of said hospital, and the said board is hereby granted full authority to enact all such rules and regulations as may be necessary for the the proper government of said hospital. The said board shall within three months by partitions and walls separate the said hospital from the state prison. The board of directors of the state prison shall furnish all labor, free of charge, and all material at cost, necessary for building said walls and partitions, and for placing the wards and apartments herein referred to in such condition as the board of directors of the state hospital at Raleigh may in their discretion require, and the hospital shall not be considered as a part of the state prison, but as entirely separate therefrom. The board of directors of the state prison is hereby directed and required to furnish to this hospital heat, lights and water free of charge, and to assign to this hospital such wards and apartments as may be selected by the directors of the state hospital at Raleigh. In said hospital the sexes and races shall be kept in separate wards or apartments, and all patients committed to this hospital shall be under the care and treatment of a physician selected by the board of directors of [the] state hospital at Raleigh.

SEC. 63. All persons who may hereafter commit crime while insane, and all persons, who being charged with crime, and are adjudged to be insane at the time of their arraignment, and for that reason can not be put on trial for the crimes alleged against them, shall be sent by the court before whom they are or may be arraigned for trial (when it shall be ascertained by due course of law that such person is insane, and can not plead) to the said hospital, and they shall be confined therein under the rules and regulations prescribed by the board of directors under the authority of the preceding section, and they shall be treated, cared for and maintained, in said hospital like patients in other state hospitals. Their confinement in said hospital shall not be regarded as punishment for any offence: *Provided*, that no insane person who has been or may hereafter be committed to the state hospital at Morganton, Raleigh or Goldsboro shall be transferred therefrom to the hospital for the dangerous insane.

SEC. 64. Whenever a person confined therein, and against whom an indictment for crime is pending, has recovered or been restored to normal health and sanity, the superintendent of the state hos-

pital at Raleigh shall notify the clerk of the court of the county from which said person was sent, and the clerk will place the case against said person upon the docket of the superior or criminal court of his county for trial, and the person shall not be discharged without an order from said court. In all cases where such person confined in the hospital for the dangerous insane shall have recovered his mind, the clerk of the court of the county from which he was committed shall fix the amount of bail required for his appearance at the next term of the superior or criminal court of his county for trial, except in cases where the offence charged is a capital felony, and in this case, only the judge of the superior court, residing within or holding the courts of said district, shall have the power to fix bail. If the person confined in the hospital for the dangerous insane, and reported sane as aforesaid, shall give the bond fixed by the clerk or judge as above provided for, he shall be discharged by the superintendent, and if he does not give the bond, he shall be transferred to the jail of the county from which he was committed. The superintendent will notify the sheriff of said county, and the sheriff will remove the said person to the jail of his county. The sheriff will pay the expenses of said removal, and the county of the person's settlement will repay the sheriff for his expenses and services.

Clerk shall fix bail.

On failure to give bond shall be transferred to jail.

SEC. 65. When a person accused of the crime of murder, attempt at murder, rape, assault with the 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 hospital for dangerous insane, to be kept in custody therein for treatment and care as herein provided. Such persons shall be kept therein, unless transferred under previous provisions of this chapter until restored to his 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 which he came, who shall take order that he appear before the judge of the superior court of 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 patient was sent.

Persons accused of certain crimes, when they may be committed.

When such person shall appear for trial.

SEC. 66. All convicts becoming insane after commitment to the state prison and the fact being certified as now required by law, in the case of other insane persons, shall be admitted to the hospital herein provided for. In case of the expiration of the sentence of any convict insane person, while such person is confined to the said hospital, such person shall be kept until restored to

Convicts becoming insane after commitment to state prison.

his right mind, or such time as he may be considered harmless and incurable.

Persons acquitted of capital felony on ground of insanity shall not be released except on certain conditions.

SEC. 67. No person acquitted of a capital felony, on the ground of insanity, and committed to the hospital for the dangerous insane, shall be discharged therefrom unless an act authorizing his discharge be passed by the general assembly. No person acquitted of a crime of lesser degree than a capital felony and committed to said department, shall be discharged therefrom except upon an order from the governor. No person convicted of a crime, and upon whom judgment was suspended by the judge on account of insanity, shall be discharged from said hospital except upon the order of the judge of the district, or of the judge holding the courts of the district in which he was tried.

5,000 copies ordered printed.

SEC. 68. The secretary of state is hereby directed, immediately upon the ratification of this act, to have printed five thousand copies thereof, and to send five hundred copies to the superintendent of each of the hospitals, and to the superintendent of the state prison: and ten copies to the clerk of the superior court of each county in the state, and the other copies shall be kept by him for general distribution.

Conflicting laws repealed.

SEC. 69. That chapter two hundred and sixty-five and five hundred and twenty of public laws of eighteen hundred and ninety-seven are hereby repealed, and all laws and clauses of laws regulating the subjects herein referred to are hereby repealed.

SEC. 70. This act shall go in effect, and be operative from and after its ratification.

Ratified this seventeenth day of February, A. D. eighteen hundred and ninety-nine.

## CHAPTER 2.

**An act to repeal chapter four hundred and sixty-four of the public laws of eighteen hundred and ninety-seven.**

*The General Assembly of North Carolina do enact :*

Repeals the act which put public printing in hands of the council of state. Continues the repeal of all acts repealed by chapter 464, laws 1897.

SECTION 1. That chapter four hundred and sixty-four of the public laws of eighteen hundred and ninety-seven, be and the same is hereby repealed.

SEC. 2. That the repeal of said chapter shall not have the effect to re-enact any laws by said chapter repealed, but the same by this act are repealed.

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

Ratified this sixteenth day of January, A. D. eighteen hundred and ninety-nine.

## CHAPTER 3.

An act to appoint the members of the "county board of school directors"  
in the various counties of the state.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the following-named persons are hereby appointed members of the "county board of school directors" in and for their respective counties, to-wit :

County board of  
school directors  
appointed.

*Alamance* :—P. H. Fleming, J. I. White, J. O. Atkinson.

*Alexander* :—A. A. Hill, J. J. Hepdren, J. C. Bell.

*Alleghany* :—D. F. Parsons, E. Leff Wagner, H. M. Crouse.

*Anson* :—W. C. Hardison, L. L. Little, W. F. Crump.

*Ashe* :—W. H. Jones, G. L. Park, M. M. Blevins.

*Beaufort* :—Alex. Hudnell, E. W. Ayers, Jno. A. Tankard.

*Bertie* :—Aaron S. Roscoe, Jno. L. Harrington, Philip T. Perry.

*Bladen* :—W. I. Shaw, S. N. Ferguson, J. N. Kelly.

*Brunswick* :—George Leonard, Jno. N. Bennett, A. C. Meares.

*Buncombe* :—George Whitson, J. H. Sams, M. J. Bearden.

*Burke* :—J. A. Lackey, E. H. Tilley, J. T. McGinsey.

*Cabarrus* :—D. J. Little, Williamson W. Morris, Rev. C. B. Miller.

*Caldwell* :—P. G. Moore, I. W. Moore, M. L. Greer.

*Camden* :—G. H. Riggs, W. G. Ferebee, J. H. Morrisett.

*Carteret* :—C. N. Mason, M. R. Springle, Josiah Daniels.

*Caswell* :—Walter N. Harrelson, Jno. F. Walters, Robert L. Mitchell.

*Catawba* :—P. A. Hoyle, S. T. Wilfong, Jas. A. Sherrill.

*Chatham* :—J. M. Griffin, Ostea Perry, Jno. M. Edwards.

*Cherokee* :—J. W. Blackwell, P. E. Nelson, Dave Cobb.

*Chowan* :—J. E. Twine, J. E. Cofield, A. T. Bush.

*Clay* :—G. W. Sanderson, I. H. Chambers, J. H. Byers.

*Cleveland* :—D. S. Lovelace, T. D. Falls, H. P. Allison.

*Columbus* :—H. H. Holton, L. W. Stanley, J. A. Smith.

*Craven* :—A. D. Ward, Joseph Kinsey, Daniel Lane.

*Cumberland* :—Jno. W. McLaughlin, Walter J. Smith, Isaac A. Murchison.

*Currituck* :—J. E. C. Bell, E. D. Bowden, J. F. Summerell.

*Dare* :—C. J. Dough, I. H. Scarborough, Jr., Richard Hooper.

*Davidson* :—L. M. Kirschner, P. L. Ledford, Stanley Owen.

*Davie* :—Isaac Roberts, N. A. Peebles, E. E. Hunt.

*Duplin* :—Wm. H. Grady, O. P. Middleton, W. B. Southerland.

*Durham* :—Robert G. Russell, Chas. E. Turner, Jno. W. Umstead.

*Edgecombe* :—J. R. Gaskill, W. T. Braswell, J. T. Howard.

*Forsythe* :—D. P. Mast, Elias W. Houser, Rev. J. W. Pinnix.

*Franklin* :—John H. Uzzle, John C. Winston, Louis N. Williams.

*Gaston* :—F. P. Hall, Thomas Wilson, Robert Connell.

County boards of  
school directors.

County boards of  
school directors.

- Gates* :—L. L. Smith, T. W. Costen, Jno. S. Felton.  
*Graham* :—N. M. E. Slaughter, W. H. Garrison, J. C. Edwards.  
*Granville* :—F. W. Hancock, Jas. H. Webb, G. B. Royster.  
*Greene* :—L. J. H. Mewbourne, L. V. Morrill, W. A. Darden.  
*Guilford* :—W. T. Whitsett, W. F. Alderman, J. Allen Holt.  
*Halifax* :—W. A. Dunn, A. S. Harrison, J. M. Grizzard.  
*Harnett* :—A. B. Hill, T. W. Harrington, J. V. Deveaney.  
*Haywood* :—J. R. Boyd, J. N. Mease, R. C. Chambers.  
*Henderson* :—Thos. J. Rickman, J. W. Morgan, F. A. Brown.  
*Hertford* :—I. D. Riddick, George A. Brown, L. J. Lawrence.  
*Hyde* :—S. S. Mann, T. H. B. Gibbs, Claude W. Davis.  
*Iredell* :—J. H. Hill, M. A. Feinster, M. W. White.  
*Jackson* :—Robert L. Madison, M. Buchanan, W. T. Deitz.  
*Johnston* :—W. F. Gerald, J. W. Wood, John Stephenson.  
*Jones* :—Benjamin Brock, Jr., F. M. Dickson, A. H. White.  
*Lenoir* :—Dr. Fred. A. Whitaker, W. B. Nunn, W. Octavius Mosley.  
*Lincoln* :—A. L. Quickel, R. B. Sullivan, D. C. K. Wilkerson.  
*Macon* :—M. L. Kelly, J. A. Deal, W. J. Evans.  
*Madison* :—Jasper Ebbs, D. S. Ball, C. A. Henderson.  
*Martin* :—S. R. Biggs, J. T. Waldo, S. W. Outerbridge.  
*McDowell* :—John S. Bradley, Hugh Tate, John R. Denton.  
*Mecklenburg* :—J. G. Baird, S. S. Herron, Walter S. Pharr.  
*Mitchell* :—J. S. Hill, R. G. Wilson, James Greene.  
*Montgomery* :—J. C. Bruton, Elsie Shamberger, R. A. Bruton.  
*Moore* :—M. A. McLeod, J. R. Comer, C. V. Brooks.  
*Nash* :—J. C. Beal, T. V. Avent, Thomas Westray.  
*New Hanover* :—Donald MacRae, W. A. Johnson, P. B. Manning.  
*Northampton* :—B. F. Martin, E. B. Lassiter, J. S. Grant.  
*Onslow* :—James B. Grant, Samuel L. Gerock, William Murrill.  
*Orange* :—S. T. Forest, C. H. Burch, John P. Lockhart.  
*Pamlico* :—B. F. McCotter, W. T. Cayo, P. J. Daniels.  
*Pasquotank* :—Joe Commander, Chas. Reed, E. V. Davenport.  
*Pender* :—Jno. B. Davis, F. P. Flinn, Jacob K. James.  
*Perquimans* :—W. T. McMillan, L. B. Perry, Jas. H. Miller.  
*Person* :—Jno. S. Coleman, A. J. Hester, W. E. Webb.  
*Pitt* :—Amos G. Cox, William F. Harding, Solomon M. Jones.  
*Polk* :—W. M. Justice, J. M. Putnam, T. T. Ballinger.  
*Randolph* :—W. M. Elder, J. W. Burkhead, T. L. Chisholm.  
*Richmond* :—R. A. Johnson, D. F. O'Brien, W. A. Webster.  
*Robeson* :—J. A. McAllister, J. E. Nye, A. B. Pearsall.  
*Rockingham* :—H. P. Ford, G. W. Martin, D. W. Johnson.  
*Rowan* :—C. A. Rose, P. A. Sloop, Jno. K. Goodman.  
*Rutherford* :—A. H. McDaniel, C. W. Watkins, S. B. Grant.  
*Sampson* :—William J. Pugh, L. L. Matthews, Walter A. Bizzell.  
*Scotland* :—Prof. W. G. Quackinbush, F. P. Wyche, A. F. Patter-  
 son.  
*Stanly* :—S. H. Hearne, J. Hathcock, Millard Whitley.

*Stokes* :—S. B. Taylor, Jno. W. Neal, D. F. Tillotson.  
*Surry* :—W. F. Cundiff, A. H. Freeman, S. C. Franklin.  
*Swain* :—J. S. Woodard, W. T. Conley, Dr. J. H. Teague.  
*Transylvania* :—C. M. Gallamoore, G. T. Lydane, E. M. Whitmire.  
*Tyrrell* :—Jas. G. Brickhouse, D. F. Armstrong, B. W. Cohn.  
*Union* :—Wm. F. Robinson, A. J. Brooks, J. W. Bivins.  
*Vance* :—Wynborn E. Gray, Thos. Taylor, Chas. L. Blackwell.  
*Wake* :—Rev. J. L. Foster, Alfred W. Moye, Thomas Johns.  
*Warren* :—W. G. Coleman, A. S. Webb, W. J. White.  
*Washington* :—W. A. Alexander, H. A. Litchfield, Thos. W. Blount.

County boards of school directors.

*Watauga* :—W. M. Frankum, L. G. Maxwell, T. P. Adams.  
*Wayne* :—W. F. English, Barnes Aycock, Joseph E. Robinson.  
*Wilkes* :—R. A. Spainhour, T. C. Land, J. W. Demmitte.  
*Wilson* :—W. J. Davis, Jesse A. Moore, R. T. Barnes.  
*Yadkin* :—L. A. Speas, H. W. Douglas, F. D. Holcombe.  
*Yancey* :—J. W. Bryant, W. H. Anderson, B. S. Young.

SEC. 2. The secretary of state, shall, within ten days after the ratification of this act, send a certified copy of the members of the county board of school directors for their respective counties, to the clerk of the superior court of each county in the state; whereupon the said clerk shall immediately notify each member of his appointment, and direct said members to meet at the court-house on the second Monday in April for the purpose of organizing said board.

Secretary of state authorized to send copy of this act of members of board of school directors to clerks of superior courts.

Clerk shall notify each member of his appointment.

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

Ratified this 7th day of March, A. D., 1899.

#### CHAPTER 4.

An act to repeal chapter five hundred and four (504) of the public laws of one thousand eight hundred and ninety-seven, relating to the protection of fish in Alleghany county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter five hundred and four of the public laws of one thousand eight hundred and ninety-seven be and the same is hereby repealed.

Repeals the act prohibiting running sawdust in waters of Bledsoe creek, and catching fish in the same.

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

Ratified this eighteenth day of January, A. D. eighteen hundred and ninety-nine.

## CHAPTER 5.

**An act to appoint a committee to investigate the management of the state penitentiary.**

*The General Assembly of North Carolina do enact :*

To investigate condition, and management past four years.

SECTION 1. That a joint committee consisting of five members, two on the part of the senate and three on the part of the house, be appointed to investigate the condition, and management of the state penitentiary for the past four years.

Powers of the committee to investigate.

SEC. 2. That the said joint committee be authorized, empowered and directed to inquire into the financial condition of the said state penitentiary, with full power and authority to inquire into and investigate any and all charges of fraud, negligence, immorality, incompetency and mismanagement on the part of any officers or employees of said state penitentiary, and the farms, and institutions in any way connected with, or managed by the officers and employees of said state penitentiary.

May employ accountants, stenographers, and counsel.

SEC. 3. That said joint committee be and are hereby empowered to employ competent accountants, stenographers and counsel to aid in said investigation: to meet at such times and places as a majority of said committee may elect; to elect a chairman and secretary; to subpoena witnesses, and compel their attendance; to enforce the production and examination of books, records and papers under the same forfeitures and penalties as provided by law to compel the attendance of witnesses, and the production of papers in the superior courts of the state.

May compel attendance of witnesses, and production of books and papers.

SEC. 4. That the chairman of said joint committee shall have full power to punish for contempt any officer or employee of said state penitentiary, or any other person, who shall willfully refuse to obey all subpoenas directing his or their appearance before said joint committee, or who shall willfully fail or refuse to produce any books, papers or records relating to the affairs of the said institution.

The chairman may punish for contempt.

SEC. 5. That the said joint committee are directed to proceed without delay to make said investigation, and report their findings to this general assembly now in session.

To investigate and report to this session.

SEC. 6. That the said joint committee are empowered to visit in person the said state penitentiary and all farms and other institutions in connection therewith, and to make personal investigation, and examination of all the books and papers thereof.

Empowered to visit in person.

SEC. 7. That all expenses incurred by the said committee including the remuneration of accountants, stenographers, counsel fees and witnesses shall be paid by the treasurer of the state out of the funds of the state not otherwise appropriated upon the

Expenses of the committee paid by treasurer.

warrant of the chairman countersigned by the secretary of said joint committee.

SEC. 8. That any person who shall willfully fail and refuse to attend and testify before said committee after having been subpoenaed to do so, shall be guilty of a misdemeanor, and upon conviction in the superior court of any county in North Carolina where he may be found, he shall be fined not less than one hundred dollars, nor more than one thousand dollars, and imprisoned in the discretion of the court: *Provided*, that the testimony given by any such witness shall not be used against him in any criminal prosecution.

Willful failure or refusal of witness to attend, a misdemeanor.

How punishable.

His testimony not to be used in criminal prosecution.

SEC. 9. That all laws and clauses of laws in conflict with this act shall be, and the same are hereby repealed.

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

Ratified this eighteenth day of January, A. D. eighteen hundred and ninety-nine.

#### CHAPTER 6.

An act to repeal chapter fifty-two of the acts of eighteen hundred and ninety-seven, public laws, and to create the office of enrolling clerk of both houses of the general assembly.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter fifty-two of the acts of eighteen hundred and ninety-seven, public laws, be and the same is hereby repealed.

Chapter 52, public laws 1897, repealed.

SEC. 2. That there shall be elected by joint ballot of the two houses of the general assembly an enrolling clerk, who shall have control and supervision of all bills, acts, resolutions and all other proceedings passed by the general assembly, and who shall be responsible for the proper enrollment of the same, and he shall receive as compensation for his services the sum of four dollars a day, and the mileage allowed members of the general assembly.

Enrolling clerk elected by joint ballot.

His compensation.

SEC. 3. The said clerk shall appoint such assistants as the committees on enrolled bills may deem necessary for the proper enrollment of the bills, acts and other resolutions required by the vote of each house to be enrolled: *Provided*, that the said committees shall first report to both houses the number of assistants to be employed, and each house authorizes the employment of that number.

He to appoint assistants as committee deems necessary.

Proviso.

Act applies to this session.

SEC. 4. That this act shall apply to the election of enrolling clerk for this session, and all laws in conflict with this act are hereby repealed.

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

Ratified this seventh day of January, A. D. eighteen hundred and ninety-nine.

#### CHAPTER 7.

An act in regard to the pay of the clerks and other employees of the general assembly.

*The General Assembly of North Carolina do enact :*

Section 2872 of The Code amended. Clerks, etc., receive four instead of five dollars.

SECTION 1. That section twenty-eight hundred and seventy-two of The Code be amended by striking out the word "five" in line three and inserting in lieu thereof the word "four."

SEC. 2. That all acts or sections of acts in conflict with this act are hereby repealed.

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

Ratified this twelfth day of January, A. D. eighteen hundred and ninety nine.

#### CHAPTER 8.

An act to repeal chapter two hundred and three, public laws eighteen hundred and ninety-seven, entitled "An act regulating the procuring and distribution of dead bodies for the promotion of medical science."

*The General Assembly of North Carolina do enact :*

The act repealed.

SECTION 1. That chapter two hundred and three (203) of the public laws of eighteen hundred and ninety-seven entitled "An act regulating the procuring and distribution of dead bodies for the promotion of medical science" be and the same is hereby repealed.

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

Ratified this fourteenth day of January, A. D. eighteen hundred and ninety-nine.

## CHAPTER 9.

## An act for the appointment of commissioners of navigation for Old Topsail inlet [and] Beaufort harbor.

*The General Assembly of North Carolina do enact:*

Section 1. The commissioners of navigation for Old Topsail inlet and Beaufort harbor shall be composed of three persons, to be elected as follows: The board of commissioners of Carteret county shall elect one, the commissioners of the town of Beaufort shall elect one, and the commissioners of the town of Morehead city shall elect one.

Commissioners of navigation, how and by whom elected.

Sec. 2. The commissioners of navigation provided for in section one of this act shall be elected as therein directed, in June, eighteen hundred and ninety-nine, and every two years thereafter, and shall qualify by taking the oath required by law, before the clerk of the superior court or some justice of the peace of Carteret county, and enter upon the discharge of their duties on the first Monday in July following their election.

Before whom qualified.

When to enter upon discharge of duties.

Sec. 3. The said commissioners shall elect the pilots for said inlet and harbor, and may make such rules and regulations for their government as said commissioners may deem right and proper, not inconsistent with the constitution and laws of this state or of the United States.

Pilots, how elected.

Sec. 4. Application for pilot licenses or branches shall be made to said commissioners in writing, giving the name, age and occupation of applicants for two years next preceding the date of application. Every pilot elected by said commissioners shall, before entering upon the discharge of his duties, enter into bond payable to the state of North Carolina for the faithful discharge of his duties in the penal sum of five hundred dollars with two or more sureties, to be approved by said commissioners, and shall also take the oath required by law.

Pilot's license.

Pilots to give bond and security.

Sec. 5. The commissioners aforesaid shall examine all applicants for pilot's licenses, and may also examine other persons as to qualification of applicants to perform the duties of pilot, and may in their discretion reject any applicant who they may deem incompetent.

Commissioners of navigation to examine all applicants for pilot's license.

Sec. 6. The said commissioners shall give to every pilot elected by them, or a majority of them, a license or branch under their hands and seals, which shall be and remain in force for one year, unless for good cause to said commissioners appearing, the same shall be sooner revoked by them. They shall charge for each license or branch five dollars, which they may retain for their expenses and services.

Pilot's license, good for one year, unless sooner revoked.

Must charge \$50 for license.

SEC. 7. The pilotage for Old Topsail inlet and Beaufort harbor

Pilotage for Old Topsail inlet and Beaufort harbor shall be as in Code. Pilot shall exhibit license when demanded.

shall be as is provided in volume two, chapter forty-six, section thirty-five hundred and thirty-four of the The Code, and the said commissioners shall have the same printed or written on every license or branch issued by them, and every pilot shall exhibit his license to the master of every vessel he has in charge, when demanded by said master.

Vessels entering without pilot may depart without pilot.

SEC. 8. No vessel entering Old Topsail inlet without a pilot shall be required to take one on going to sea; nor shall any vessel be required to take a pilot that has to enter the harbor in distress.

Laws repealed.

SEC. 9. Chapter one hundred and forty-nine, laws of eighteen hundred and eighty-three, and all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 10. This act shall be and remain in force on and after June first, eighteen hundred and ninety-nine.

Ratified the 24th day of January, A. D. 1899.

#### CHAPTER 10.

An act to give consent by the state of North Carolina to the acquirement by the United States, by purchase or condemnation, of such lands as may be required for the establishment of a fish cultural station in said state.

*The General Assembly of North Carolina do enact :*

Preamble.

Land may be acquired by United States by condemnation or purchase.

SECTION 1. Whereas the federal congress has made an appropriation for the establishment of a fish cultural station within the bounds of North Carolina: Therefore, be it enacted by the general assembly of the state of North Carolina, that the consent of the legislature of the state of North Carolina be, and is hereby given, to the acquisition by the United States by condemnation or purchase of any land needed for the establishment of a fish cultural station and the erection thereon of such buildings and improvements as may be necessary for the successful operations of such fish cultural station: *Provided*, that this cession is upon the express condition that the state of North Carolina shall so far retain a concurrent jurisdiction with the United States over such lands as that all civil and criminal process issued from the courts of the state of North Carolina may be executed thereon in like manner as if this act had not been passed.

Proviso.

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

Ratified the 26th day of January, A. D. 1899.

## CHAPTER 11.

## 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 payable in national currency.

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 \$1.29.

SEC. 3. There shall be levied and collected annually an ad valorem tax of twenty-one and two-thirds cents for state purposes, three and one-third cents for pensions, eighteen cents for public schools, making forty-three cents on every one hundred dollars value of real and personal property in this state, and moneys, credits, surplus reserve funds, undivided profits, deposits of non-residents, 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 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..

How poll-tax to be applied.

Ad valorem tax 43 cents on real and personal property.

Subject to exemptions.

SEC. 4. The taxes imposed for state purposes upon the shares of stock in any bank or banking associations, (whether state or national), in this state, shall be paid by the cashier of such bank or banking association, directly to the state treasurer, within thirty days after the first day of July in each year, and upon failure to pay the state treasurer as aforesaid, he shall institute an action against the bank or banking association to enforce the same in the county of Wake, or in the county in which the bank or banking association is located. The board of commissioners of the county in which such banks or banking associations are located shall assess against the value of shares of residents of that county

Taxes on shares of stock.

Cashiers of banks shall pay tax to treasurer within 30 days after July 1st.

Commissioners shall assess for school and county purposes.

- Proviso. the tax imposed for school and county purposes, which shall be paid to the sheriff of that county, and the values of shares of stock in national, state and private banks and banking associations held by non-residents shall not be deducted from the aggregate value of the shares thereof: *Provided*, that, in determining the value of such shares for taxation there shall be deducted the amount of real property upon which the bank has paid the tax: *And provided*, that such shares shall be deemed solvent credits.
- Real property deducted. SEC. 5. That the secretary of each building and loan association organized and conducting business in this state shall list for taxation on the first Monday in June of each year the shares of stock of such association at their actual value, as shown by the books of said association. He shall deduct from such valuation the shares upon which said association has made loans and which have been pledged to such association as security therefor. The secretary and treasurer of such association shall pay to the state treasurer by the first day of July of each year the state tax, and to the sheriff or tax collector of each county in which such association is located, the county and school tax on or before September the fifteenth of each year. No other tax or assessment therein shall be charged or levied on said association or the shares therein.
- Shares of stock of building and loan associations shall be listed.
- Certain deductions allowed from returns. SEC. 6. 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 income derived from other sources, except such as are delivered 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.
- No other tax shall be charged.
- Gross income of property not-taxed. SEC. 7. Whenever in any law or act of incorporation granted either under the general law or by special act, 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 in the stock, bonds, or other securities of other cor-
- Certain exemptions from tax repealed.
- Property belonging to state, municipal corporations, etc., excepted.

porations or loans shall be taxable upon the amount of the actual value of such investments.

## SCHEDULE B.

- SEC. 8. 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 license 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: *Provided*, that persons becoming liable for any license payable to the state treasurer at any time after May thirty-first of any year, shall pay the pro rata part of the year ending May thirty-first of the year, counting from the first day of the month in which said license became due.
- SEC. 9. 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, two hundred dollars per annum; less than ten thousand inhabitants and over five thousand, one hundred dollars; unless [less than] 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 license 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. 10. On every travelling 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. 11. 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. 12. 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 tax.

Shall not be construed to relieve anyone from ad valorem tax.

Proviso.

Theatres.

Town of ten thousand inhabitants, \$200; between 5,000 and 10,000, \$100, etc.

License issued by sheriff.

Companies performing in hall not required to pay tax.

Companies giving performances in halls not licensed.

Concerts and musical entertainments for profit.

Lectures for reward.

Museums, wax-works, etc.

SEC. 13. 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.

Circuses, menageries, etc.

SEC. 14. On every exhibition of a circus or menagerie, for each day or part of a day, two 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.

Persons giving exhibitions for amusement of the public.

SEC. 15. On all companies or persons whatever who exhibit or give entertainment for amusement of the public, for reward or 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 communications between the material and immaterial worlds and giving public exhibitions; *Provided*, this section shall not apply to stationary bird shows.

Spiritualists and mediums.

Proviso

Gift enterprises.

SEC. 16. 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, 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. On each slot machine where the return is uncertain, one hundred dollars. The taxes in this section shall be paid to the sheriff or tax collector of the county, but not be construed as giving license or relieving such persons or establishments from any penalties incurred by violation of the law.

Taxes in this section payable to sheriff. Shall not be construed as giving license or exempting from penalties. Billiard or pool tables, etc.

SEC. 17. On each billiard or pool-table, bowling alley or alley of like kind, kept for public use, if in connection with any place where liquor is sold, fifty dollars, 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, twenty dollars each.

Skating rinks, bagatelle tables, merry-go-rounds, etc.

SEC. 18. On each skating rink, bagatelle table, merry-go-round hobby-horses, switch-back railway, shooting gallery, 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; on all dealers in theatre tickets, five dollars.

SEC. 19. On every public ferry, bridge and toll-gate across highways, one per centum of gross receipts; and any person or company operating any such ferry, bridge or toll-gate, shall make return 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.

Public ferries, toll-gates, 1 per centum of gross receipts.

When returns shall be made.

SEC. 20. 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 and sell horses or mules as a business for profit, shall pay an annual tax of twenty-five dollars to the state, and no tax to the county: *Provided*, that no person who sells less than twenty head of horses or mules, in the course of any one year, shall be considered a dealer within the meaning of this section.

Persons keeping horses and mules to hire.

Sworn statement shall be made.

Persons buying and selling horses as a business.

*Proviso.*  
Persons selling less than twenty head per year shall not come under provisions of this act  
Commission merchants, brokers, etc.  
Dealers in cigars, cigarettes, etc.

SEC. 21. On every commission merchant, broker or dealer, buying or selling, one (1) per centum on his commission. 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-three (23) 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; *Provided*, that no person who shall pay the taxes herein prescribed shall pay the tax prescribed in section (23) [twenty]-three.

How collected.

*Proviso.*  
Persons paying said tax shall not pay purchase tax on said articles.  
*Proviso.*

SEC. 22. 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

Mercantile agencies or associations.

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 agents or servants, that the same shall not be held liable for more than the above sum for the state of North Carolina.

Persons buying and selling merchandise, produce, etc.

SEC. 23. On every individual or firm, or association of persons conducting the business of buying and selling merchandise or produce, or manufactures of any kind, in addition to the ad valorem tax on his stock, an annual license tax on the amount of capital invested as follows: on a capital of five hundred dollars or less, one dollar; on a capital of more than five hundred dollars and less than one thousand dollars, one dollar and fifty cents; on a capital of as much as one thousand dollars and less than two thousand dollars, two dollars; on a capital of as much as two thousand dollars and less than three thousand dollars, two dollars and fifty cents; on a capital of as much as three thousand dollars and less than four thousand dollars, three dollars; on a capital of as much as four thousand dollars and less than five thousand dollars, three dollars and fifty cents; on a capital of as much as five thousand dollars and less than six thousand dollars,

Graduated tax on capital invested.

four dollars; on a capital of as much as six thousand dollars and less than seven thousand dollars, four dollars and fifty cents; on a capital of as much as seven thousand dollars and less than eight thousand dollars, five dollars; on a capital of as much as eight thousand dollars and less than nine thousand dollars, five dollars and fifty cents; on a capital of as much as nine thousand dollars and less than ten thousand dollars, six dollars; on a capital of as much as ten thousand dollars and less than fifteen thousand dollars, nine dollars; on a capital of as much as fifteen thousand dollars and less than twenty thousand dollars, thirteen dollars; on a capital of as much as twenty thousand dollars and less than twenty-five thousand dollars, eighteen dollars; on a capital of as much as twenty-five thousand dollars and less than thirty thousand dollars, twenty-three dollars; on a capital of as much as thirty thousand dollars and less than thirty-five thousand dollars, twenty-nine dollars; on a capital of as much as thirty-five thousand dollars and less than forty thousand dollars, thirty-six dollars; on a capital of as much as forty thousand dollars and less than forty-five thousand dollars, forty-five dollars; on a capital of as much as forty-five thousand dollars and less than fifty thousand dollars, sixty dollars; on a capital of as much as fifty thousand dollars and less than sixty thousand dollars, seventy-five dollars; on a capital of as much as sixty thousand dollars and less than seventy-five thousand dollars, ninety-five dollars; on a capital of as much as seventy-five thousand dollars and less than one hundred thousand dollars, one hundred and twenty dollars; on a capital of as much as one hundred thou-

Graduated tax on capital invested in stock.

sand dollars and less than one hundred and twenty-five thousand dollars, one hundred and fifty dollars; on a capital of as much as one hundred and twenty-five thousand dollars and less than one hundred and fifty thousand dollars. one hundred and ninety dollars; on a capital of one hundred and fifty thousand dollars, or over, two hundred and fifty dollars. Every person mentioned in this section shall, within ten days after the first day of October in each year, deliver to the clerk of the board of county commissioners a sworn statement of the amount of capital employed by him in his business for the year prior to October first. 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. 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 on each return for each year, which shall be allowed by the county commissioners and paid by the county treasurer.

Graduated tax on capital invested in stock.

When statement of capital employed shall be rendered.

Sheriff shall collect said taxes.

Books of merchant may be examined.

SEC. 24. Every person who shall buy for the purpose of selling spirituous, vinous or malt liquors, shall, in addition to the 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. 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. 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-nine, and every year thereafter, obtain a license upon payment of fifty dollars to the sheriff or tax collector, and any

Additional tax on persons selling spirituous liquors, etc.

Annual license tax.

Druggists, who allow liquor to be drunk in their places of business shall be subject to provisions of this act.

druggist who allows liquor to be drunk 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 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 five hundred inhabitants, and in towns where the sale of liquor is prohibited by law, twenty-five dollars shall be the license; *Provided*, that this section shall apply to all dispensaries.

Proviso, shall apply to dispensaries.

Agents or peddlers of drugs, nostrums, etc.

SEC. 25. Every person authorized to do business in this state who, as a 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, five dollars for each county; each peddler with horse, ox or mule, with or without vehicle, fifteen dollars for every county; each peddler with one or more horses, oxen or mules, with or without vehicle, twenty dollars for every county; every itinerant salesman who shall expose for sale, either on the street or in houses rented temporarily for that purpose, goods, wares or merchandise, shall pay a tax of fifty dollars in each county in which he shall carry on such business, whether as principal or as agent for any other person. Every person mentioned in this section shall apply in advance to the board of county commissioners of the county in which he proposes to peddle or sell for a license, and the board of county commissioners may issue the license upon the payment of the tax to the sheriff, which shall expire at the end of twelve months from its date: *Provided*, it shall be discretionary with the board of county commissioners whether they issue license or not. The license issued as herein provided shall not be valid until it shall be exhibited to and countersigned by the clerk of the board of county commissioners, by whom a permanent record of all such license shall be kept. Any person may sell under this section without payment of tax as peddlers, salt, vegetables, chestnuts, peanuts, fruits, or any other products of the farm or dairy, oysters, fish, books, printed music, or articles of his own manufacture, except spectacles, drugs and nostrums. It shall be the duty of every person receiving a license under this section to exhibit the same upon demand of any constable or justice of the peace of any township in which he may vend or offer to vend any of the articles taxed in this section, and upon failure to do so every such person shall be presumed to be peddling without license, and shall be arrested and held to answer the charge; and 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 ped-

Persons mentioned in this section shall apply in advance to county commissioners for license.

roviso.

License, when valid.

Persons shall exhibit license on demand of certain officers.

ding without license required by law and hold them to answer the charge of misdemeanor, and upon conviction, they shall be punished as prescribed in section seventy-two 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. The clerk of the board of 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: *Provided*, that this section shall not apply to persons or their agents engaged in exchanging woollen goods for wool; *Provided further*, that this section shall not apply to drummers selling by wholesale.

Poor and infirm may be exempted from taxes.

Wagons, etc., for purposes of hire.

Proviso.

Proviso.

SEC. 26. Every manufacturer of sewing machines and every person or persons or corporations engaged in the business of selling the same 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 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 and the name of every class or style of machine having a separate and distinct name offered for sale in this state shall be furnished in the written application for license to the state treasurer and inserted in the license. The state treasurer shall, upon the written application of any one 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 one 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 un-

Manufacturers of sewing machines.

Separate classes subject to tax singularly.

After procuring license may supply any number of agents.

Persons violating this section.

Penalty shall be paid to officer making arrest.

Shall not apply to merchants' buying and selling machines when tax has been paid.

State treasurer authorized to have this section printed on face of license. Proviso.

Companies or persons selling pianos, organs, etc.

License, when valid.

Separate tax for various classes of instruments.

Shall not be taxed by counties or towns.

Persons selling without license.

Penalty.

Penalty to be paid to officer making arrest.

Gypsies and others pretending to tell fortunes for reward.

der 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 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 all [sell] sewing machines.

[SEC. 27.] 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 sheriff or tax collector, 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 register of deeds, and shall not be valid unless so countersigned. It shall be the duty of the sheriff or tax collector 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 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 to the sheriff or tax collector 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 dollars 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.

SEC. 28. 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 con-

ained shall be so construed as to exempt them from indictment or penalties imposed by law.

SEC. 29. On every person or company who puts up lightning rods, twenty dollars annually for each county in which he carries on business or sells lightning rods. Lightning rods.

SEC. 30. 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. Persons peddling clocks, stoves or ranges

SEC. 31. The officer authorized to collect the tax on insurance companies shall collect and pay into the state treasury charges, fees and taxes as follows: For each license issued to a life insurance company or association, two hundred and fifty dollars; for each license issued to a fire insurance company or association, two hundred dollars; for each license issued to an accident insurance company or association, two hundred dollars; for each license issued to a marine insurance company or association, two hundred dollars; for each license issued to a surety insurance company or association, one hundred dollars; for each license issued to a plate glass insurance company or association, one hundred dollars; for each license issued to a boiler insurance company or association, one hundred dollars; for each license issued to all other insurance companies or associations, one hundred dollars. All of said companies shall pay a tax of two per centum upon the amount of their gross receipts in this state: License tax on insurance companies. Life companies.

*Provided*, that if any general agent shall exhibit to the secretary of state a sworn statement showing that at least one-quarter of the entire assets of his company, when his company has assets, are invested in and are maintained in any, or all, of the following securities or property, viz: bonds of this state, or of any county, city or town of this state, or any property situate in this state and taxable therein, then the tax shall be one per centum upon the gross receipts aforesaid, and the license fee shall be one half that named above; and if the amount so invested shall be three-fourths of the total assets, the tax shall be one-fourth of one per centum and the license fee one-fourth of that named above. No county or corporation shall be allowed to impose any additional tax, license or fee. The license fee and taxes imposed in this section shall be aid to the state treasurer. Accident. Marine. Surety.

*Provided*, that if any general agent shall exhibit to the secretary of state a sworn statement showing that at least one-quarter of the entire assets of his company, when his company has assets, are invested in and are maintained in any, or all, of the following securities or property, viz: bonds of this state, or of any county, city or town of this state, or any property situate in this state and taxable therein, then the tax shall be one per centum upon the gross receipts aforesaid, and the license fee shall be one half that named above; and if the amount so invested shall be three-fourths of the total assets, the tax shall be one-fourth of one per centum and the license fee one-fourth of that named above. No county or corporation shall be allowed to impose any additional tax, license or fee. The license fee and taxes imposed in this section shall be aid to the state treasurer. Plate glass. Boiler.

*Provided*, that if any general agent shall exhibit to the secretary of state a sworn statement showing that at least one-quarter of the entire assets of his company, when his company has assets, are invested in and are maintained in any, or all, of the following securities or property, viz: bonds of this state, or of any county, city or town of this state, or any property situate in this state and taxable therein, then the tax shall be one per centum upon the gross receipts aforesaid, and the license fee shall be one half that named above; and if the amount so invested shall be three-fourths of the total assets, the tax shall be one-fourth of one per centum and the license fee one-fourth of that named above. No county or corporation shall be allowed to impose any additional tax, license or fee. The license fee and taxes imposed in this section shall be aid to the state treasurer. All other insurance organizations. Tax on gross receipts. Proviso.

*Provided*, that if any general agent shall exhibit to the secretary of state a sworn statement showing that at least one-quarter of the entire assets of his company, when his company has assets, are invested in and are maintained in any, or all, of the following securities or property, viz: bonds of this state, or of any county, city or town of this state, or any property situate in this state and taxable therein, then the tax shall be one per centum upon the gross receipts aforesaid, and the license fee shall be one half that named above; and if the amount so invested shall be three-fourths of the total assets, the tax shall be one-fourth of one per centum and the license fee one-fourth of that named above. No county or corporation shall be allowed to impose any additional tax, license or fee. The license fee and taxes imposed in this section shall be aid to the state treasurer. When one-quarter of assets of company are invested in certain property, tax is one per centum. License fee one-half.

*Provided*, that if any general agent shall exhibit to the secretary of state a sworn statement showing that at least one-quarter of the entire assets of his company, when his company has assets, are invested in and are maintained in any, or all, of the following securities or property, viz: bonds of this state, or of any county, city or town of this state, or any property situate in this state and taxable therein, then the tax shall be one per centum upon the gross receipts aforesaid, and the license fee shall be one half that named above; and if the amount so invested shall be three-fourths of the total assets, the tax shall be one-fourth of one per centum and the license fee one-fourth of that named above. No county or corporation shall be allowed to impose any additional tax, license or fee. The license fee and taxes imposed in this section shall be aid to the state treasurer. Banks and banking associations.

SEC. 32. 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 ten thousand dollars or less, twenty-

Graduated tax on capital stock of banks.	five 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.
Persons receiving property as security for money.	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 pawnor 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 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.
Persons, clubs, firms, etc., selling liquors.	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 free-holders, residents of the voting precincts in which the applicant proposes to do business, all of whom shall declare upon oath that the applicant is a proper person to sell
Semi-annual tax in advance.	
How said tax shall be applied.	
Persons may sell wines, etc., of their own manufacture.	
Applications, how presented.	

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 regulating the sale of spirituous liquors, or that the building specified is without the limits of an incorporated town or city, or is within two hundred feet, in a direct line, from any church edifice or the premises pertaining thereto, may refuse to grant an order to the sheriff to issue license to such applicant; that the license authorized within an incorporated town or city under this section shall first be granted by the authorities of such town or city; *Provided further,* that the board of county commissioners may, upon complaint made by any resident of the county that any person, company or firm holding a license under this section has violated the laws of this state regulating the sale of spirituous liquors, and upon satisfactory evidence of his or their conviction, or such confession of such violation in a court of competent jurisdiction, revoke any license 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 of 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. Each dispensary in the state shall pay annually into the state treasury the following franchise taxes: 1. Each dispensary for a town of less than one thousand people, fifty dollars. 2. Each dispensary for a township in any county the sum

When license may be refused to applicant for license.

License shall first be granted by town authorities.  
Proviso.

When persons holding license have violated law.

Proviso.

License shall be publicly exhibited.

Persons failing to post license.

Persons taking out license after January or July shall pay full amount.  
Proviso.

Dispensaries shall pay franchise taxes.

of two hundred dollars. 3. Each dispensary for a town of more than one thousand inhabitants and not exceeding three thousand inhabitants, the sum of two hundred dollars. 4. Each dispensary for a town or city of more than three thousand inhabitants and not exceeding six thousand inhabitants, three hundred dollars. 5. Each dispensary for a town or city of more than six thousand inhabitants and each dispensary for a county, five hundred dollars. And it shall be the duty of all managers of dispensaries to pay to the county treasurer for the benefit of the school fund of the county in which such dispensaries are located all the taxes herein imposed on such dispensaries.

Lawyers, physicians and dentists.  
 Proviso.  
 Cities, towns and counties shall not levy additional special tax.  
 On private business corporation, a franchise tax.  
 Tax on capital stock.  
 Graduated tax on corporations.

SEC. 35. On each and every practicing lawyer, practicing physician and dentist, the sum of five dollars: *Provided*, that no city, town or county shall levy any additional license tax on lawyers, physicians and dentists.

SEC. 36. On each and every private business corporation (railroads, banks and insurance companies excepted) a franchise tax in proportion to the amount of its capital stock, according to the following graduated scale, to-wit: On corporations having a capital stock of twenty-five thousand dollars (\$25,000) or less, five dollars (\$5); on corporations having a capital stock of over twenty-five thousand dollars (\$25,000) and not exceeding fifty thousand [dollars] (\$50,000), ten dollars (\$10); on corporations having a capital stock of fifty thousand dollars (\$50,000) and less than one hundred thousand dollars (\$100,000), twenty-five dollars (\$25); on corporations having a capital stock of one hundred thousand dollars (\$100,000) and not exceeding two hundred and fifty thousand dollars (\$250,000), fifty dollars (\$50); on corporations having a capital stock of two hundred and fifty thousand dollars (\$250,000) and less than five hundred thousand dollars (\$500,000), one hundred dollars (\$100); on corporations having a capital stock of five hundred thousand dollars (\$500,000), two hundred dollars (\$200); on companies having a capital stock of one million dollars (\$1,000,000), five hundred dollars: *Provided*, that when the capital stock of any company or corporation shall not amount to more than one thousand dollars in actual value, the franchise tax imposed by this section shall be ten dollars and no more. By the terms of "capital stock" in this section is meant the amount of capital fixed by the corporation charter, or by the stockholders 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: *Provided*, that when the capital stock of any land company or

Proviso.  
 When capital stock is not more than \$1,000 tax shall be \$10.

Term "capital stock" defined.

Continued failure to pay franchise tax shall cause forfeiture of franchise.  
 Applies equally to home and foreign corporations.

corporation shall not amount in actual value to more than ten thousand dollars, the tax imposed by this section shall be twenty-five dollars and no more: *Provided*, that only the capital stock subscribed for shall be taxed under this section.

SEC. 37. That any joint stock association, company, copartnership or corporation, whether incorporated under the laws of this state or of any other state, or of any foreign nation, engaged in transmitting to, from, through, in or across the state of North Carolina, telegraphic messages, shall be deemed and held to be a telegraph company, and every such telegraph company shall annually, between the first day of January and the twentieth day of February, make out and deliver to the auditor of this state a statement, verified by the oath of the officer or agent of such company making such statement, with reference to the thirty-first day of December next preceding, showing: First. The total capital stock of such association, company, copartnership or corporation. Second. The number of shares of capital stock issued and outstanding and the par or face value of each share. Third. Its principal place of business. Fourth. The market value of said shares of stock on the thirty-first day of December next preceding, and if such shares have no market value then the actual value thereof. Fifth. The real estate, structures, machinery, fixtures and appliances owned by said association, company, copartnership or corporation, and subject to local taxation within the state, and the location and assessed value thereof in each county where the same is assessed for local taxation. Sixth. The specific real estate, together with the permanent improvements thereon, owned by such association, company, copartnership or corporation, situate outside the state of North Carolina and not directly used in the conduct of the business, with a specific description of each such piece, where located, the purpose for which the same is used, and the sum at which the same is assessed for taxation in the locality where situated. Seventh. All mortgages upon the whole or any [part] of its property, together with the dates and amounts thereof. Eighth. (a) The total length of the lines of said association or company; (b) the total length of so much of their lines as is outside the state of North Carolina; (c) the length of the lines within each of the counties and townships within the state of North Carolina.

SEC. 38. Every telephone company doing business in this state, whether incorporated under the laws of this state or of any other state, or of any foreign nation, shall annually, between the first day of January and the twentieth day of February, make out and deliver to the auditor of this state a statement, verified by the oath of the officer or agent of such company making such statement, with reference to the thirty-first day of December next pre-

Proviso.  
Capital stock subscribed for shall be taxed under this section.  
Joint stock associations incorporated under laws of this or other states engaged in transmitting telegraphic messages.

Shall render annual statement.

Capital stock of such company.

Number of shares and par value of each.

Principal place of business, market value of stock.

Real estate, structures, machinery, etc.

Specific real estate, together with permanent improvements, etc.

Mortgages on property.

Total length of lines.

Total length of so much of lines as is outside of state.

Length of lines within each of the counties of North Carolina.

Telephone companies doing business in this state.

Shall make out annual statement to auditor.

Shall show capital stock.  
Number of shares of stock and par value.  
Principal place of business.  
Market value of shares.

Real estate, structures, etc.

Specific real estate, together with permanent improvements, etc.

Mortgages upon property.

Total lines.  
Total length of lines outside of North Carolina.  
Length of lines within each of counties and townships in North Carolina.  
Joint stock associations, etc., carrying packages across this state

Express companies shall make out annual statement to auditor.

Shall show total capital stock.  
Number of shares of stock issued and outstanding.

ceding, showing: (1) The total capital stock of such association, company, copartnership or corporation. (2) The number of shares of capital stock issued and outstanding and the par or face value of each share. (3) Its principal place of business. (4) The market value of said shares of stock on the thirty-first day of December next preceding, and if such shares have no market value then the actual value thereof. (5) The real estate, structures, machinery, fixtures and appliances owned by said association, company, copartnership or corporation, and subject to local taxation within the state, and the location and assessed value thereof in each county where the same is assessed by local taxation. (6) The specific real estate, together with the permanent improvements thereon, owned by such association, company, copartnership or corporation situated outside the state of North Carolina and not used directly in the conduct of the business, with a specific description of each such piece, where located, the purpose for which the same is used, and the sum at which the same is assessed for taxation in the locality where situated. (7) All mortgages upon the whole or any of its property, together with the dates and amounts thereof. (8) a. The total length of the lines of said association or company; b. the total length of so much of their lines as is outside the state of North Carolina; c. the length of the lines within each of the counties and townships within the state of North Carolina.

SEC 39. Every joint stock association, company, copartnership or corporation, incorporated or acting under the laws of this or any other state, or any foreign nation, engaged in carrying to, from, through, in or across this state, or any part thereof, money, packages, gold, silver, plate, merchandise, freight or other articles, under any contract expressed or implied, with any railroad company, or the managers, lessees, agents or receivers thereof, provided such joint stock association, company, copartnership or corporation is not a railroad company, shall be deemed and held to be an express company within the meaning of this act, and every such express company shall annually, between the first day of January and the twentieth day of February, make out and deliver to the auditor of this state a statement verified by the oath of the officer or agent of such association, company, copartnership or corporation making such statement, with reference to the thirty-first day of December next preceding, showing: First, the total capital stock or capital of said association, copartnership or corporation. Second. The number of shares of capital stock issued and outstanding, and the par or face value of each share, and in case no shares of capital stock are issued, in what manner the capital thereof is divided, and in what manner such holdings are evidenced. Third. Its principal place of business.

- Fourth. The market value of the said shares of stock on the thirty-first day of December next preceding, and if such shares have no market value, then the actual value thereof; and in case no shares of stock have been issued, state the market value, or the actual value in case there is no market value, of the capital thereof, and the manner in which the same is divided. Fifth. The real estate, structures, machinery, fixtures and appliances owned by said association, company, copartnership or corporation, and subject to local taxation within the state of North Carolina, and the location and assessed value thereof in each county where the same is assessed for local taxation. Sixth. The specific real estate, together with the improvements thereon, owned by said association, company, copartnership or corporation situate outside the state of North Carolina, and not used directly in the conduct of the business, with a specific description of each piece, where located, the purpose for which the same is used, and the sum at which the same is assessed for taxation in the locality where situate. Seventh. All mortgages upon the whole, or any part of its property, together with the dates and amounts thereof. Eighth. (a) The total length of the lines or routes over which such association, company, copartnership or corporation transports such merchandise, freight or express matter; (b) the total length of such lines or routes as are outside the state of North Carolina, (c) the length of such lines or routes within each of the counties and townships within the state of North Carolina.
- SEC. 40. Upon the filing of such statements the auditor shall examine them, and each of them, and if he shall deem the same insufficient, or in case he shall deem that other information is requisite, he shall require such officer to make such other and further statements as said auditor may call for. In case of the failure or refusal of any association, company, copartnership or corporation to make out and deliver to the auditor any statement or statements required by this act, such association, company, copartnership or corporation shall forfeit and pay to the state of North Carolina one hundred dollars (\$100) for each additional day such report is delayed beyond the twentieth day of February, to be sued and recover in any proper form of action in the name of the state of North Carolina on the relation of the auditor, and such penalty, when collected, shall be paid into the general fund of the state.
- SEC. 41. Upon the meeting of the railroad commissioners for the purpose of assessing railroad and other property, said auditor shall lay such statements, with such information as may have been furnished him, before said railroad commissioners, who shall thereupon value and assess the property of each association, company, copartnership or corporation in the manner here-

Principal place of business.  
Market value of stock.

Real estate, machinery, fixtures, etc.

Specific real estate with improvements thereon.

Mortgages upon property.

Total length of lines or roads over which business is transacted.

Total length outside of state.  
Total length within counties and townships of North Carolina. Auditor may require additional information.

Companies failing or refusing to render such statement liable.

Penalty.

Such penalties shall be paid into general fund.

Railroad commissioners shall examine such statements before assessing property.

May require agents and officers to appear before them.

inafter set forth, after examining such statements and after ascertaining the value of such properties therefrom, and from such other information as they may have or obtain. For that purpose they may require the agents or officers of said association, company, copartnership or corporation to appear before them with such books, papers and statements as they may require, or they may require additional statements to be made to them, and may compel the attendance of witnesses in case they shall deem it necessary, to enable them to ascertain the true cash value of such property.

Railroad commissioners shall first ascertain true cash value of property, etc.

SEC. 42. Said state board of railroad commissioners shall first ascertain the true cash value of the entire property owned by said association, company, copartnership or corporation from said statements or otherwise, for that purpose taking the aggregate value of all the shares of capital stock, in case said shares have a market value, and in case they have none taking the actual value thereof or of the capital of said association, company, copartnership or corporation, in whatever manner the same is divided. in case no shares of capital stock have been issued: *Provided, however,* that in case the whole or any portion of the property of such

Proviso.

When property is encumbered by mortgage.

association, company, copartnership or corporation shall be encumbered by a mortgage or mortgages, such board shall ascertain the true cash value of such property by adding to the market value of the aggregate shares of stock, or to the value of the capital in case there shall be no such shares, the aggregate amounts of such mortgage or mortgages, and the result shall be deemed and treated as the true cash value of the property of such association, company, copartnership or corporation. Such board of railroad commissioners shall, for the purpose of ascertaining the true cash value of the property within the state of North Carolina, next ascertain from such statements, or otherwise, the assessed value for taxation in the localities where the same is situated, of the several pieces of real estate situate within the state of North Carolina and not specifically used in the general business of such associations, companies, copartnerships or corporations, which said assessed values for taxation shall be by said board deducted from the gross value of the property as above ascertained. Said state board of railroad commissioners shall next ascertain and assess the true cash value of the property of such associations, companies, copartnerships or corporations within the state of North Carolina by taking as a guide as far as practicable the proportion of the whole aggregate value of said associations, companies, copartnerships or corporations, as above ascertained, after deducting the assessed value of such real estate without the state, which the length of the lines of said associations, companies, copartnerships or corporations, in the case of

Commissioners shall ascertain value of several pieces of real estate wherever situated, owned by such corporation.

telegraph and telephone companies within the state of North Carolina, bears to the total length of the lines thereof, and in the case of express companies, the proportion shall be the proportion of the whole aggregate value, after such deductions, which the length of the lines or routes within the state of North Carolina bears to the whole length of the lines or routes of such associations, companies, copartnerships or corporations and such amount, so ascertained, shall be deemed and held as the entire value of the property of said associations, companies, copartnerships or corporations within the state of North Carolina. From the entire value of the property within the state so ascertained, there shall be deducted by the board the assessed value for taxation of all real estate, structures, machinery and appliances within the state and subject to local taxation in the counties, as hereinbefore described in item number five of sections thirty-seven, thirty-eight, thirty-nine and forty of this act, and the residue of such value so ascertained, after deducting therefrom the assessed value of such local properties, shall be by said board assessed to said association.

When express companies are assessed and how property valued.

Deduction to be made by commissioners.

SEC. 43. Said state board of railroad commissioners shall thereupon ascertain the value per mile of the property within the state by dividing the total value, as above ascertained, after deducting the specific properties locally assessed within the state, by the number of miles within the state, and the result shall be deemed and held as the value per mile of the property of such association, company, copartnership or corporation within the state of North Carolina.

Board shall ascertain value per mile of property within state.

SEC. 44. Said state board of railroad commissioners shall thereupon for the purpose of determining what amount shall be assessed by it to said association, company, copartnership or corporation in each county in the state, through, across, into or over which the line of said association, company, copartnership or corporation extends, multiply the value per mile, as above as contained, by the number of miles in each of such counties as reported in said statements, or as otherwise ascertained, and the result thereof shall be by said board certified to the auditor, who shall thereupon certify the same to the chairman of the board of county commissioners, respectively, of the several counties through, into, over or across which the lines or routes of said association, company, copartnership or corporation extend.

How total value of property is assessed.

SEC. 45. In case any such association, copartnership or corporation, as named in this act, shall fail or refuse to pay any taxes assessed against it in any county in the state, in addition to other remedies provided by law for the collection of taxes, an action may be prosecuted in the name of the state of North Carolina by the solicitors of the different judicial circuits of the state, on the

Companies, etc., failing or refusing to pay tax, action may be instituted by state.

relation of the county commissioners of the different counties of this state, and the judgment in said action shall include a penalty of fifty per cent of the amount of taxes as assessed and unpaid, together with reasonable attorney's fees for the prosecution of such action, which action may be prosecuted in any county into, through, over or across which the line or routes of any association, copartnership, company, or corporation shall extend, or in any county where such association, company, copartnership or corporation shall have an office or agent for the transaction of business. In case such association, company, copartnership or corporation shall have refused to pay the whole of the taxes assessed against the same by said state board of railroad commissioners, or in case such association, company, copartnership or corporation shall have refused to pay the taxes or any portion thereof assessed to it in any particular county or counties, such action may include the whole or any portion of the taxes so unpaid in any county or counties, but the attorney-general may at his option unite in one action the entire amount of the tax due, or may bring separate actions in each separate county or joining counties, as he may prefer. All collection of taxes for or on account of any particular county made in any such suit or suits shall be by said auditor accounted for as a credit to the respective counties, for or on account of which such collections were made by said auditor, at the next ensuing settlement with such county, but the penalty so collected shall be credited to the general fund of the state; and upon such settlement being made, the treasurers of the several counties shall at their next settlements, enter credits upon the proper duplicates in their offices and at the next settlement with the county report the amount so received by him in his settlement with the state, and proper entries shall be made with reference thereto: *Provided*, that in any such action the amount of the assessment fixed by said state board of railroad commissioners and apportioned to such county, shall not be controverted.

**Penalty.**

**Refusal of company, etc., to pay whole of taxes assessed to it in particular counties.**

**Attorney-general may unite in one action entire amount due.**

**Penalty collected credited to general fund.**

**Counties may be credited with such amounts. Proviso.**

**Sleeping-car companies shall make out annual statement to auditor.**

SEC. 46. Every joint stock association, company, copartnership or corporation incorporated or acting under the laws of this or any other state, or of any foreign nation, and conveying to, from, through, in or across this state, or any part thereof, passengers or travellers in palace cars, drawing-room cars, sleeping cars, dining cars, or chair cars, under any contract, express or implied, with any railroad company or the managers, lessees, agents or receivers thereof, shall be deemed and held to be a sleeping-car company for the purposes of this act, and shall hereinafter be called "sleeping-car company," and every such sleeping car company doing business in this state shall annually, between the first day of January and the first day of April, make out and deliver to the auditor of this state a statement, verified by the oath

of the officers or agent of such company making such statement, with reference to the thirty-first day of December next preceding, showing: First. The total capital stock of such sleeping-car company invested in its sleeping-car business. Second. The number of shares of such capital stock devoted to the sleeping-car business issued and outstanding, and the par or face value of each share. Third. Under the laws of what state it is incorporated. Fourth. Its principal place of business. Fifth. The names and post-office addresses of its president and secretary. Sixth. The actual cash value of the shares of such capital stock devoted to its sleeping-car business on the thirty first day of December next preceding such report. Seventh. The real estate, structures, machinery, fixtures and appliances owned by said sleeping car company, and subject to local taxation within this state, and the location and value thereof in each county within this state where the same is assessed for local taxation. Eighth. All mortgages upon the whole or any part of its property, together with the franchises and the amounts thereof, devoted to its sleeping-car business. Ninth. (a) The total length of the main lines of railroad over which cars are run; (b) the total length of so much of the main line of the railroad over which said cars are run outside of the state of North Carolina; (c) the length of the lines of railroad over which said cars are run within the state of North Carolina: *Provided*, that where the railroads over which said cars run have double tracks or a greater number of tracks than a single track, the statement shall only give the mileage as though such tracks were but single track, and in case the auditor shall require it, such statement shall show in detail the number of miles of each or any particular railroad or system within this state; (d) upon filing such statement, the auditor shall examine it and if deemed insufficient shall require any additional information which may be necessary to a clear understanding of the value of the property of such sleeping-car company, and in case of refusal or failure of such sleeping car company to furnish such information, he shall obtain the same through any channel that he may deem proper and shall notify the officer attesting such statement by registered letter of his action; (e) upon the meeting of the railroad commissioners for the purpose of assessing railroads and other property, the auditor shall lay such statement before said commissioners, who shall thereupon determine the total cash value of the capital stock of such sleeping-car company devoted to its sleeping-car business, and shall then divide this amount by the total number of miles of railroad over which the cars of such sleeping car company are used, so as to obtain the value per mile; they shall then multiply this value per mile by the number of miles of railroad track over which such cars are used within

Shall state capital stock. Number of shares of stock and par value.

Under the laws of what state it is incorporated. Principal place of business. Address of officers. Actual cash value of such stock. Real estate structures, etc.

Mortgages on property.

Total length of main line over which cars run. Total length of line over which run outside of state. Length of line over which cars are run in state. Proviso.

When double tracks are built only single line shall be entered.

Auditor shall examine statement and may require additional information.

Assessment of property of such company, etc., by railroad commissioners.

this state, and from the result thus obtained they shall deduct the value of all real estate, structures, machinery, fixtures and appliances owned by such sleeping-car company within this state and subject to taxation in the county where located; the remainder shall be taken as the value of the property of such sleeping-car company within this state for the purpose of assessment and taxation. And the secretary of the railroad commission shall thereupon notify by registered letter the officer attesting such report of the amount assessed against it, and such sleeping-car company shall have thirty days within which to appear and make objections, if any it shall have, to said assessment. If no objections be made within said thirty days, the amount shall be certified to the state treasurer, who shall thereupon send by registered letter to the officer attesting such report a bill for the state taxes upon said assessment, and such sleeping car company shall have thirty days within which to pay said taxes. And the secretary of the railroad commission shall certify to the county commissioners of the several counties through which such cars are used, the value of the property of such sleeping-car company within such county in the proportion that the number of miles of railroad over which such cars are used in said county bears to the number of miles of railroad over which such cars are used within the state, together with the name and post-office address of the officer attesting such report of such sleeping-car company, with the information that tax bills, when assessed, are to be sent him by mail, and such value so certified shall be assessed and taxed the same as other property within said county. And when the assessment shall have been made in such county the sheriff or county tax collector shall send to the address given by the secretary of the railroad commission to the county commissioners, by registered mail, a bill for the total amount of all taxes due to such county, and such sheriff or county tax collector shall add to such tax bills the postage and registration fee, and such sleeping car company shall have sixty days thereafter within which to pay said taxes; and upon failure or [of] and refusal to do so, such taxes shall be collected the same as other delinquent taxes are, together with a penalty of fifty per cent added thereto and costs of collection.

SEC. 47. Every person, firm or corporation owning refrigerator or freight cars operated over or leased to any railroad company in this state or operating in this state, shall be taxed in the same manner as is provided in section forty-six for the taxation of sleeping car companies, and the manner provided in that section for the assessment of the value of sleeping car companies and the collection of the tax thereon shall be followed in assessing and collecting the tax on the refrigerator and freight cars taxed under this section.

Officer attesting report shall be notified of assessment.

Shall have 30 days within which to make objection.

Shall have 30 days within which to pay taxes. Secretary of railroad commission shall certify to county commissioners of counties through which cars run value of property.

Company etc., shall have 60 days within which to pay county tax. On failure or refusal to pay taxes, how collected. Penalty.

Corporations, etc., owning refrigerator cars, etc.

Taxed in same manner as sleeping-car companies.

SEC. 48. On every auctioneer of all goods, wares or merchandise sold by himself or agent, whether by ascending or descending bids at public outcry, who accepts compensation for service, an annual license tax as follows: In cities or towns of twelve thousand inhabitants or over, fifteen dollars; in cities or towns of from eight thousand to twelve thousand inhabitants, ten dollars; in cities or towns of from four thousand to eight thousand inhabitants, five dollars; in towns or townships of less than four thousand inhabitants, two dollars and fifty cents.

Auctioneers

Tax according to population of city or town in which auctioneer lives.

SEC. 49. On every individual or firm, or his or their agents, engaged in the business of buying and selling bicycles or bicycle supplies and fixtures, whether such business be conducted in connection with other business or not, an annual license tax as follows: In cities or towns of twelve thousand inhabitants or over, ten dollars; in cities or towns of less than twelve thousand inhabitants, five dollars: *Provided*, that nothing in this section shall apply to any individual or firm conducting the exclusive business of repairing bicycles.

Firms and individuals buying and selling bicycles.

Proviso  
Shall not apply to firms or persons conducting exclusive business of repairing bicycles.  
Collecting rents, negotiating sales of real estate, etc.

SEC. 50. On every individual or firm, or his or their agents, acting as agent collecting rents or for both buyer and seller in negotiating the sale or exchange of real estate of any and every description, an annual license tax as follows: In cities or towns of twelve thousand inhabitants or over, fifteen dollars; in cities or towns of from eight thousand to twelve thousand inhabitants, ten dollars; in cities or towns of from four thousand to eight thousand inhabitants, five dollars; in cities or towns of less than four thousand inhabitants, two dollars and fifty cents.

Tax according to population of city or town in which agent resides

SEC. 51. On every individual or firm, or his or their agents, engaged in the business of buying and selling fresh meats from offices, stores, stalls or vehicles, an annual license tax as follows: In cities or towns of twelve thousand inhabitants or over, seven dollars and fifty cents; in cities or towns of from eight thousand to twelve thousand inhabitants, five dollars; in cities or towns of less than eight thousand inhabitants, three dollars: *Provided*, that nothing in this section shall apply to farmers vending their own products and without a regular place of business.

Buyers and sellers of fresh meats.

Tax according to population of town in which person resides.

SEC. 52. On every individual or firm or association of persons engaged in and conducting the business of selling coal and wood at wholesale or retail, an annual license tax as follows: In cities or towns of twelve thousand inhabitants and over, twenty dollars; in cities or towns of from eight thousand to twelve thousand inhabitants, fifteen dollars; in cities or towns of from four thousand to eight thousand inhabitants, ten dollars; in towns of less than four thousand inhabitants, five dollars: *Provided*, that this license tax shall not apply to vendors or sellers who cut wood

Individuals or firms selling wood or coal.

Basis of tax rates.

from their own lands and sell less than one hundred cords of wood per annum.

**Persons or firms engaged in business of collecting accounts, etc.** SEC. 53. On every individual or firm, or his or their agents, engaged in the business of collecting accounts, bills, notes and moneys from one person in favor of another, as a regularly organized collection agency, an annual license tax of ten dollars.

**Cotton compresses.**  
**Tax according to number of bales pressed.** SEC. 54. On every cotton compress, an annual license tax as follows: Pressing not less than one hundred thousand bales of cotton per annum, one hundred dollars; pressing not less than seventy-five thousand bales of cotton per annum, seventy-five dollars; pressing not less than fifty thousand bales of cotton per annum, fifty dollars; pressing not less than twenty-five thousand bales of cotton per annum, twenty-five dollars; pressing not less than ten thousand bales of cotton per annum, ten dollars.

**Buyers and sellers of cotton, other than merchants paying privilege tax**  
**Basis of tax rate.** SEC. 55. On every individual or firm or association of persons engaged in the business as cotton factors buying and selling cotton, other than merchants paying a purchase or privilege tax, an annual license tax as follows: In cities or towns of twelve thousand inhabitants or over, fifteen dollars; in cities or towns of from ten thousand to twelve thousand inhabitants, ten dollars; in cities or towns of from five thousand to ten thousand inhabitants, five dollars; in cities or towns of less than five thousand inhabitants, two dollars and fifty cents.

**Persons in business of renovating feathers.** SEC. 56. On every individual or firm or association of persons, or his or their agents, engaged in the business of renovating feathers, a license tax as follows: Five dollars for each county in which such business may be solicited or conducted.

**Five dollars for each county. Hotels charging less than \$2 per day, 25 cents for each room. Hotels charging \$2 and over per day.** SEC. 57. On each hotel charging for transient custom a rate of less than two dollars per day, twenty-five cents for each and every room, except the office room, the dining room, the parlors, the kitchen and two other rooms. Hotels charging two dollars per day and more, fifty cents per room.

**Photographers.**  
**Ice manufacturers.**  
**Laundrymen.**  
**Lumber dealers.**  
**Undertakers.** SEC. 58. On every photographer an annual license tax of five dollars; on ice manufacturers, ten dollars; on laundrymen, ten dollars; on lumber dealers, ten dollars; on undertakers, ten dollars.

#### SCHEDULE C.

**Taxes embraced in this schedule payable as directed.** SEC. 59. 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] of performing the acts named.

**Railroad commission shall revise assessment of railroad property.** SEC. 60. That for the purpose of raising revenue and equalizing taxation the railroad commission, or any body succeeding to their powers, are hereby required and directed, as soon as practicable and in time for the levy of 1899, to revise the assessments for taxation of the entire railroad property of the state, and in

doing so they should take into consideration the value of the franchise, the gross earnings and the net income of each road.

SEC. 61. That said assessors shall so increase the assessments, where such increase is justified, as will make each part and parcel of railroad property bear its fair proportion of the burden of taxation.

SEC. 62. Every express company, 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: *Provided*, no county or corporation shall be allowed to impose any additional tax, license or fee, except ad valorem tax.

SEC. 63. 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,

Assessment shall be so increased as that railroads shall bear pro rata of taxation.

Express, telephone and telegraph companies shall pay two per centum on gross receipts.

Return shall be made under oath to treasurer.

Sheriff shall report such companies doing business in his county. In default of tax — penalty.

Proviso.

No additional tax shall be imposed by county or corporation except ad valorem tax.

Tax on seal affixed by officers, except clerks of courts and notaries public, fee charged.

Fees charged for affixing seal.

- Persons refusing or neglecting to pay said tax guilty of a misdemeanor. or upon any process of court, shall be exempt from taxation. The officers collecting the said taxes and fees may retain as compensation five per centum, except in the case of sheriffs, whose commissions shall be allowed by the auditor. Any person receiving taxes under this section, and willfully refusing or neglecting to pay the same as required, shall be guilty of a misdemeanor and upon conviction shall be fined not more than five hundred dollars or imprisoned at the discretion of the court.
- Marriage license. SEC. 64. On each marriage license, one dollar. The tax on marriage license 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.
- Statement of register. SEC. 65. 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.
- Officers collecting fines shall account for same within 30 days. SEC. 66. 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.
- Shall be applied to school fund. SEC. 67. 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.
- Officers violating preceding section guilty of embezzlement. SEC. 68. 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 be guilty of a misdemeanor and on conviction be punished in the discretion of the court.
- Subjects of taxation revised in this act not otherwise taxable. Proviso. Does not apply to taxes due previous to ratification of this act.
- Auditor shall not supply county officers with any blanks except herein authorized or absolutely necessary.
- Violation of this act a misdemeanor.

SEC. 69. 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.

Auditor may reject returns of sheriff when he has reason to believe such returns incorrect.

SEC. 70. 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 of each term of the superior or criminal court held in the county following the time when the license tax provided for in schedules B and C of this act should have been paid as to whether or not such license 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 shall report to judge of superior or criminal court whether or not such taxes as are due have been paid.

Prosecution of delinquents.

SEC. 71. 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 obtain 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.

Persons practicing trades or professions or using franchise without paying said tax guilty of a misdemeanor.

SEC. 72. A sum not to exceed twenty-five hundred dollars is hereby appropriated out of any moneys not otherwise appropriated, to be expended by the treasurer of the state as he may deem best and necessary to secure the prompt and proper collection of taxes, and the protection of the treasury. And a like amount of twenty-five hundred dollars, or so much thereof as may be necessary, is hereby appropriated to be used by the auditor of state for the proper enforcement of the machinery act.

\$2,500 appropriated to the use of state treasurer to secure prompt collection of taxes and protect treasury.

\$2,500 appropriated to use of auditor for proper enforcement of machinery act.

SEC. 73. This act shall be in force from and after its ratification.

Ratified this the eighth day of March, A. D. eighteen hundred and ninety-nine.

CHAPTER 12.

An act to change the name of Chocowinity creek.

*The General Assembly of North Carolina do enact :*

Name changed.

SECTION 1. That the name of Chocowinity creek is hereby changed to Chocowinity river.

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

Ratified the 24th day of January, A. D. 1899.

CHAPTER 13.

An act to amend section two thousand one hundred and fifty-nine of The Code.

*The General Assembly of North Carolina do enact :*

Section 2159 Code relating to transfers of will contests, amended.

SECTION 1. That section two thousand one hundred and fifty-nine of The Code be, and the same is hereby, amended by inserting the words "effect" and "the" in line six, the following words: "or shall make affidavit that he is unable to give a bond, or deposit the money or give a mortgage in lieu of such bond."

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

Ratified the 24th day of January, A. D. 1899.

CHAPTER 14.

An act to amend chapter three hundred and thirty-five, laws of eighteen hundred and ninety-five.

*The General Assembly of North Carolina do enact :*

Chapter 335, public laws 1895, to prevent setting wire or pad nets in waters of Black river, amended.

Conflicting laws repealed.

SECTION 1. That chapter three hundred and thirty-five, public laws of eighteen hundred and ninety-five be amended by adding after the word (in section first and line six) Sampson, "except on Monday, Wednesday and Friday of each week."

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 26th day of January, A. D. 1899.

CHAPTER 15.

An act to provide for the assessment of property and the collection of taxes.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the board of commissioners of the several counties shall have power to exempt any person from the payment of poll tax on account of both poverty and infirmity; and when any such person has been once exempted he shall not be required to renew his application unless the commissioners shall revoke the exemption. When such exemption shall have been made the clerk of the commissioners shall furnish the person with a certificate of such action, and the person to whom it was issued shall be required to list his poll, but upon exhibition of such certificate the list-taker shall annually enter in the volume intended for the poll the word "exempt," and the poll shall not be charged in computing the list. If any poll tax or other taxes shall not be paid within sixty days after the same shall be demandable, it shall be the duty of the sheriff, if he can find no property of the person liable sufficient to satisfy the same, to attach any debt or other property incapable of manual delivery, due or belonging to the person liable or that may become due to him before the expiration of the calendar year, and the person owing such debt or having such property in possession shall be liable for said tax. Any corporation, firm or person who shall, on demand or request made, refuse to give to the sheriff or tax collector of any county, city or town a list giving the names of all persons employed by them, who are liable for tax, shall be guilty of a misdemeanor. For the purpose of carrying into effect the provisions of this section, the following form shall be used as an attachment, viz:

Commissioners of several counties shall have power to exempt certain persons from payment of poll-tax.

Clerk of commissioners shall furnish persons certificate of exemption.

Taxes not paid within sixty days after demandable.

Sheriff may attach property. Persons refusing to give to sheriff or tax collector list of persons employed by them and liable to tax, guilty of misdemeanor.

Form of attachment in garnishment proceedings.

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 eighteen hundred and \_\_\_\_\_, 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.

Fees of sheriff and justice.

## LIST-TAKERS AND ASSESSORS.

Commissioners shall in April select three freeholders in each township to assess property.

List-takers and assessors shall assess true value.

Shall meet on or before second Monday in May.

Assessment, when made, shall be in force four years, unless improvements made or structure destroyed. Assessors and list-takers may be appointed in cities and towns at certain special times.

Public notice shall be given of by tax-lister and assessors of list-taking.

Complete return of property shall be made to commissioners before first Monday in July.

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-nine, and every fourth year thereafter, appoint three discreet freeholders in each township, who shall list and assess the real and personal property in said township for taxation. The list-takers and assessors shall ascertain the true value in money of every tract or parcel of land or other real estate, with the improvements thereon, and personal property, and assess the same in accordance with said valuation. Said board of list-takers and assessors shall meet at some place in their respective townships on or before the second Monday in May and elect one of their number chairman. The board is hereby authorized and empowered to administer oaths in all cases necessary to obtain full and correct information concerning any taxable real and personal property in their respective townships so as to secure a proper assessment of said property. The assessment when made shall be in force during the four years preceding a reassessment, or until altered as provided by this act by reason of structures improved, erected or destroyed.

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.

SEC. 4. Each township board of list-takers and assessors shall advertise in five or more public places in the township immediately after their appointment, notifying all taxpayers to return to said list-takers and assessors all the real and personal property which each taxpayer shall own on the first day of June, requiring said returns to be made to said list-takers and assessors during the month of June, under the pains and penalties imposed by law. Each of said list-takers and assessors shall attend at two or more places in the township for the purpose of listing and assessing the property.

SEC. 5. The board of list-takers and assessors shall make a complete return of their assessments, embracing an abstract of the taxable property of their respective townships, to the board of county commissioners on or before the first Monday in July, and annex the following affidavit subscribed and sworn to before a justice of the peace, or any person authorized to administer oaths, who shall certify the same:

We, the list-takers and assessors of.....township of ..... county, make oath that the foregoing list contains, to the best of our knowledge and belief, all the real and personal property required by law to be assessed in said township, and that we have assessed every tract or parcel of land or other real and personal property at its true value in money and have endeavored to do equal justice to the public and to the taxpayers concerned.

Affidavit of list-takers and assessors.

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 the assessors. Said board shall equalize the valuation so that each tract or lot or article of personal property shall be entered on the tax list at its true value in money, and for this purpose they shall observe the following rules: (1) They shall raise the valuation of such tracts or lots of property or articles of personal property, including stocks, bonds and shares in all incorporated companies, as in their opinion have been returned below their true value, to such price or sum as they may believe to be the true value thereof. (2) They shall reduce the valuation of such tracts and lots or articles of personal property as in their opinion have been returned above their true value as compared with the average valuation of real and personal property, including stocks, bonds and shares of all incorporated companies 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.

Commissioners and chairman of list-takers and assessors shall constitute board of equalization.

Listing of personal property and real estate. Shall revise such property as they believe to be listed below its value.

Shall revise valuation of property returned above true value.

SEC. 7. The board of county commissioners shall allow each list-taker and assessor such compensation as said board shall deem just and proper for each day actually engaged in the performance of his duties. Said board of county commissioners shall also allow each member of the board of equalization such per diem for the number of days actually engaged in the performance of his duties as the said board of commissioners shall deem just and proper, and in addition thereto mileage at the rate of five cents for each mile necessarily travelled in attending the meetings of the board of equalization. The per diem and mileage allowed, as provided in this section, shall be paid by the county.

Compensation for list-takers and assessors.

Compensation of board of equalizers.

SEC. 8. The said 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

County commissioners shall appoint one tax-lister for each township.

- 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.**  
One list-taker may be appointed in each ward in cities and towns.
- Compensation.**  
List-takers and assessors shall verify accounts.
- When assessor shall be entitled to compensation.
- Proviso.**  
Commissioners may regulate per diem of assessors.
- List-takers shall advertise date of returns.
- Returns shall be made during June.
- Subjects of taxation.**
- Proviso.**  
When trustee resides out of state property shall be listed by trustor.
- 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.
- SEC. 10.** Each township list-taker appointed under the authority of section eight of this act shall advertise in five or more public places within the township immediately after his appointment, notifying all taxpayers to return to him all the real and personal property which each taxpayer shall own, on the first day of June, and said returns shall be made to the list-taker during the month of June, under the pains and penalties prescribed by law. Each list-taker shall attend at two or more places in each township for the purpose of taking a list of property for taxation.
- SEC. 11.** Every person owning property is required to list, and shall make out, sign and deliver to the list-taker a statement, verified by his or her oath, of all the real and personal property, moneys, credits, investments in bonds, stocks, joint stock companies, annuities, or otherwise, and the value of improvements on real estate since the same was assessed, in his or her possession, or under his or her control on the first day of June, either as owner or holder thereof, or as parent, guardian, trustee, executor, executrix, administrator, administratrix, receiver, accounting officer, partner, agent, factor, or otherwise: *Provided*, that whenever personal property has been conveyed in trust, and the trustee resides outside of the state, but the trustor resides within the state, then and in that case such property shall be listed for taxation in this state by such trustor where the property is situate. In all cases where a guardian, executor or executrix, administrator, or administratrix, resides in a city or incorporated town, all personal property in the hands of such guardian, executor or executrix,

administrator or administratrix, shall be listed for taxation only where their wards resided on the first day of June, and where the deceased persons resided at the date of their death, unless such wards or deceased persons were non-residents of the state on the first day of June or at the day of death, in which case the guardian, executor or executrix, administrator or administratrix, shall list the said property where he or she resides on the first day of June: *Provided*, the guardian shall be exempt from municipal taxation on the personal property of his or her ward when 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 of 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 treasurer 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. When 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

Guardians, etc., shall list property of wards where said wards reside June 1st.

Proviso.

Guardian not liable for municipal tax when ward resides out of corporate limits.

Proviso. When attempt is made to evade taxation by exchanging certificates of deposit.

List shall be given during June.

Proviso.

Who shall be represented by agents.

Property of corporations.

Proviso.

Cashiers of banks shall furnish statement of number of shares and market value.

Personal property in connection with cultivation of farm shall be listed in township in which said property is situated.

Returns of mineral, quarry or timber interests.

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 returns. An owner of separate timber interests shall list the same whether the timber shall be attached to or detached from the soil.

Taxable polls shall be listed in township in which subject resides.

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 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 or the 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 fourteen can not be construed so as to impose a double tax on said corporations.

Property of corporations, etc., returnable in township where principal office is situated.

Tax assessed on shares of stock.

Auditor shall furnish to sheriff names of persons owning stocks.

Proviso.

Shall not be construed to impose a double tax.

Taxpayer shall attend in person and file list, except as provided otherwise.

SEC. 15. At the time and place appointed by the list-taker the taxpayer in person, except as provided in section twelve, shall attend and file with the list-taker on a blank to be prepared and furnished by the state treasurer a verified statement of all the property of every kind and description owned by the taxpayer. The taxpayer shall also swear to the true value of his or her property and choses in action, except land, which oath shall be in the following form, to-wit:

Form of oath of taxpayer.

"I, -----, do solemnly swear (or affirm) that the list furnished by me contains a true and accurate list of all property which by law I am required to list for taxation, and the value fixed thereon by me is a true valuation of the same, and the amount of solvent credits given in by me is the full and correct amount of same according to my best knowledge, information, and belief. So help me, God."

Any person making a false return shall be deemed guilty of perjury. Property held in trust, or as agent, guardian, executor or executrix, administrator or administratrix, or in the right of a feme covert, 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. That any person, corporation or firm who fails to list the poll taxes and property taxes required of them by law shall be guilty of a misdemeanor.

Persons making false returns guilty of perjury.

Sheriff shall be liable on bond for failure to report false return.

Failure to list as required, a misdemeanor.

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. (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. (2) The number of horses, mules, jacks and jennies in one column, goats, cattle, hogs and sheep, separately with the true value thereof. (3) Farming utensils, tools of mechanics, household and kitchen furniture, provisions, firearms, libraries and scientific instruments, specifying the articles separately at the true value thereof. (4) Money on hand, including all funds invested within thirty days before in United States bonds or in other non-taxable property whatever. (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. (6) All foreign building and loan associations doing business in this state by their secretary or treasurer [shall] list for taxation its stock held by citizens of this state in the county, city or town where the owners of said stock reside. That in listing said stock for taxation the withdrawal value as fixed by the by-laws of each company, shall be furnished the list-taker, and 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

Duty of listtaker.

Land, how described.

Horses, cattle, etc.

Farming utensils, etc.

Money on hand.

Amount of credits.

All foreign building and loan associations doing business in this state.

Failure to return such stock a misdemeanor.

Penalty. Certificates of deposit in any bank.	in the discretion of the court. That all of said taxes shall be paid by the association listing said stock. (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. (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. (9) All other personal property whatever, including therein all cotton in seed or lint, tobacco either in leaf or manufacture, 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. (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. (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. (12) If any person shall, with a view to evade the payment of taxes, fail or refuse to give in to the assessor any bonds, notes, claims or other evidences of debt which are subject to assessment and taxation, under this act, the same shall not be recoverable by action at law or suit in equity before any of the courts of this state until they have been listed and the tax paid thereon.
Credits not entirely solvent.	
Money investments, stocks, bonds, etc.	
All other personal property.	
Gross income from property not already taxed in this state.	
Non-resident land owners.	
Failure of persons to give in to assessor bonds, notes, etc., not recoverable until listed.	
List-taker shall examine persons on oath.	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
Board of commissioners shall be governed by decision of state treasurer, when legal questions involved in returns.	

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, Farmers 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, religious, charitable or school purposes, the property shall not be taxed. (3) Such property as may be set apart for graveyards or burial lots, except such as is held for the purpose of speculating in the sale thereof. (4) Twenty-five dollars of personal property of each individual taxpayer.

SEC. 21. The auditor of the state shall prepare forms to be used in assessing and listing property for taxation by the assessors and list-takers. He shall transmit said forms to the clerk of the

Persons liable to taxation refusing to answer questions guilty of a misdemeanor.

Penalty.

List-takers empowered to send for persons and papers.

List-taker may make certain corrections.

National, state or municipal property.

Institutions of learning and fraternal orders.

Asylums for orphans, etc.

Proviso.

Property not used exclusively for religious or charitable purposes liable. Proviso.

Cemeteries.

\$25 of personal property of each taxpayer.

Auditor shall prepare forms.

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.

List-takers shall on or before first Monday in July return list to clerk of board of commissioners.

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.

Returns shall be open to inspection.

List-taker shall make oath.

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:

Form of oath of list-taker.

"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 by law to ascertain the items and value of the real and personal property, moneys, credits, investments in bonds, stocks, joint stock companies or otherwise of any person, company or corporation, I have diligently and by the best means in my power endeavored to ascertain the real value thereof, and that I verily believe a full list with the value thereof estimated by the rules prescribed by law is set forth in the annexed returns; that in no case have I knowingly omitted to receive of any person, of whom by law I was required to receive, a statement of the description and value of real and personal property or of the amount of moneys, credits, investments in bonds, stocks, joint stock companies or otherwise which he was required to list, or in any way connived at any violation or evasion of any of the requirements prescribed by law in relation to the listing or valuation of property, moneys, credits, investments in bonds, stocks, joint stock companies or otherwise of any 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.

List-takers making false returns guilty of perjury. Commissioners shall meet on second Monday in July and revise tax list.

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.

Empowered to raise valuation after notifying owner or agent.

SEC. 25. If any person shall complain before the board of commissioners that his or her property either real or personal has been improperly valued, or that he or she is charged with an excessive tax, he or she shall present his or her claim in writing, and they shall hear any evidence adduced by him or her, and shall summon and examine any witnesses necessary for a just decision of the question, including the assessors or list-takers who made the valuation. If the board of commissioners shall find that he or she has cause for complaint they shall direct 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.

Persons claiming excessive valuation shall present claims in writing.

SEC. 26. If the application for relief be made to the board of commissioners after the sheriff shall have settled the accounts with the state and county, the commissioners shall carefully examine the case, and if in their opinion the applicant is entitled to relief shall direct the clerk to record on the record book the cause of the complaint, and the amount which, in the opinion of the commissioners, should be refunded to the applicant. The clerk shall make out a copy of such record, certify the same under

When sheriff has settled taxes with treasurer, auditor may issue warrant in favor of person overcharged.

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.

When clerk or sheriff overpays in settlement, auditor may issue warrant in his favor.

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.

Chairman of commissioners shall examine tax list.

SEC. 28. The chairman of the county board of commissioners shall examine the tax list from each township for the previous year and insert in said list the description and valuation of all property not given in, with the names of the persons supposed to be liable for a poll tax who failed to give themselves in, and shall charge all such persons with double the tax with which they would otherwise be chargeable unless satisfactory excuse therefor be rendered to the board of county commissioners on or before the first Monday in October; and all persons who are liable for poll tax and shall willfully fail to give themselves in, and all persons who own property and willfully 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.

Persons liable to poll or property tax and failing to return same guilty of a misdemeanor.

Chairman shall note changes made.

When commissioners omit to enter any taxable subject they may at next year enter tax for preceding year or years.

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 centum in addition thereto, as far back as the said lands have escaped taxation. And the railroad commission shall have like powers to list unlisted

railroad property. When 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 other like municipal corporation.

Railroad commission empowered to list unlisted railroad property.

Proviso. Personal property omitted, how taxed.

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 sum due by each taxpayer to the state and to the county, and also in separate columns the total amount of school poll tax levied by the general assembly and county authorities due by each taxpayer, and the total amount of property school tax levied by the general assembly and the county authorities due by each taxpayer. One of said copies shall remain in the office of the clerk of the commissioners, the other shall be delivered to the sheriff or tax collector on or before the first Monday in September in each year, and he shall receipt for the same. The clerk shall endorse on the copies given 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:

Register shall furnish duplicate copy to each township.

School tax.

Clerk of board shall endorse orders.

State of North Carolina,  
----- county.

Office Board of Commissioners, ----- county, to the sheriff of  
----- county:

Clerk shall note  
appeals.  
Form of order  
to sheriff.

You are hereby commanded to collect the taxes herein men-  
tioned according to the provisions and requirements of the exist-  
ing law.

In witness whereof, I hereunto set my hand and seal \_\_\_\_ day  
of ----- 18 .

-----,

Clerk Board of Commissioners.

Compensation of  
register of deeds.

The commissioners shall make an order for the payment to the  
register of deeds of such a sum as may be deemed a proper com-  
pensation for the work of computing the taxes and making out  
the tax list and the necessary copies thereof. But the sum al-  
lowed for all such service shall not exceed six (6) cents for each  
name appearing on the tax list.

Shall not exceed  
six cents.

Person acting as  
agent shall have  
lien upon prop-  
erty to indemnify  
him against pay-  
ment thereof.

SEC. 31. When property is assessed to any person as agent for  
another, or in a representative capacity, such person shall have  
a lien upon such property, or any property of his principal in  
his possession, until he is indemnified against the payment  
thereof, or if he has paid the tax, until he is reimbursed for such  
payment.

Clerk shall return  
abstract to aud-  
itor with certain  
information.

SEC. 32. The clerk of the commissioners, on or before the first  
Monday in November after the lists are completed by the com-  
missioners 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, Indian  
and negro polls separately, and specify every other subject of taxa-  
tion, 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 separ-  
ately the tax levied on each poll and on each one hundred dol-  
lars value of real property for each purpose, and also the gross  
amount of taxes of every kind levied for county purposes.

When clerk shall  
make a default in  
his duties.

SEC. 33. If any clerk shall make a default of any of the duties  
prescribed in the preceding section, or shall fail to deliver to the  
auditor a copy of the sheriff's return of taxes received under  
schedules B and C of an act to raise revenue, and a copy of the  
settlement of state tax account between the board of county com-  
missioners and the sheriff or tax collector, made, sworn to and  
subscribed, he shall forfeit and pay to the state one thousand dol-  
lars, to be recovered against him and the sureties of his bond in  
the superior court of Wake county, before the clerk thereof, on

Penalty.

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.

Clerk of the court shall annually submit to auditor certified copy of bond of register of deeds.

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.

During intervals between assessments when property is divided, commissioners may make apportionment.

Proviso.

SEC. 35. All taxes shall be due on the first Monday in September in each year. When paid the sheriff or tax collector shall note on the tax list against the name of the party the date of payment and the amount paid. He shall also give receipt to the parties, stating the amount of the state and county tax separately and the date of payment; and for 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

All taxes due on the first Monday in September.

Sheriff shall give receipt.

Failure to give such receipt a misdemeanor.

Proviso.

Sheriff shall not collect taxes for any year until he has settled for previous year.

Commissioners shall appoint tax collector if sheriff fails to give required bond.

Deputies shall take oath.

Sheriff shall attend at his office during September and November.

Proviso.

Collecting officer may levy and sell after November 1st

Proviso.

Sheriffs shall not levy or sell under execution in certain counties until after March 15th.

No costs shall accrue except in cases of actual levy. Taxes due and unpaid, how collected.

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 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 un-

paid, and that the persons contained in the list were insolvent at and during the time when by law he ought to have endeavored to collect the taxes. Such list shall be recorded in the commissioners' docket, and a copy thereof shall be returned to the auditor of the state on or before the day of the settlement of the sheriff with the treasurer.

SEC. 38. Whenever any sheriff or tax collector shall be credited on settlement with any tax or taxes by him returned as insolvent, dead or removed, he shall forthwith make publication at the court-house door of a complete list of the names of such insolvent, dead or removed delinquents, with the amount of the tax due from each, and the sum total so credited, and at 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 shall publish list of insolvent taxes.

Failure to comply with provisions of this section a misdemeanor.

#### LISTING PROPERTY OF CORPORATIONS.

SEC. 39. Bridge, express, ferry, gas, manufacturing, mining, savings bank, stage, steamboat, street railroad transportation and all other companies and associations incorporated under the laws of this state, except insurance companies, shall, in addition to the other property required by this act to be listed, make out and deliver to the assessor a sworn statement of the amount of its capital stock, setting forth particularly: (1) the name of the location of company or association; (2) the amount of capital stock authorized, and the number of shares into which such capital stock is divided; (3) the amount of capital stock paid up; (4) the market value, or if no market value, then the actual value of the shares of stock; (5) the assessed valuation of all its real and personal property (which real and personal property 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.

Corporations shall make out list of stock.

Information to be set forth.

Stockholders in banks assessed on actual value of stock.

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 assessment herein provided shall be with regard to the value of the stock on the first day of June annually, subject to the restrictions that taxation of such shares shall not be at a greater 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.

Purpose of tax on such shares.

#### PRIVATE BANKS AND BANKERS.

Tax list by banks, brokers and stock jobbers.

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 preceding fifth item. The aggregate amount of the first, second and third

Amount of property.  
Amount of funds in other hands, etc.  
Amount of checks, etc.  
Amount of bills discounted, etc.

Bonds and stocks.

All other property.

Deposits.

Accounts payable.  
Amount of securities, etc., exempt from taxation.

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.

How listed.

#### RAILROADS.

SEC. 42. The commissioners elected from time to time under the authority of "An act to provide for the general supervision of railroads, steamboat or canal companies, express and telegraph companies doing business in the state of North Carolina," shall constitute a board of appraisers and assessors for railroad, telegraph, canal and steamboat companies.

Railroad commissioners constituted board of appraisers and assessors for railroad property, etc.

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

Some agent of company should return to said commissioners on oath statement of property held.

Property returnable to railroad commissioners.

List-taker shall send to auditor of state like certificate.

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 determined, and such other information obtained in the course of the performance of the duties of their office as the said commissioners shall require of them, and the mayor of each city or town shall cause to be sent to the said commissioners the local rate of taxation for municipal purposes.

Movable property denominated rolling stock. Statement covering rolling stock in detail shall be returned annually.

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: (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 The Code. 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.

Capital stock authorized.

Capital stock paid up. Market value.

Length of line operated. Total assessed values. All other information required.

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 like certificate, together with all the reports of the various railroad officers or copies thereof, and other papers and

Commissioners shall consider earnings as compared with operating expenses.

How apportioned in counties.

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.

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.

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.

SEC. 48. If the property of any railroad company be leased or operated by any other corporation, foreign or domestic, the property of lessor or company whose property is operated shall be subject to taxation in the manner hereinbefore directed. And if the lessee or operating company, being a foreign corporation, be the owner or possessor of any property in this state other than that which it derives from the lessor or company whose property is operated, it shall be assessed in respect of such property in like manner as any domestic railroad company.

Taxes due state by railroad payable direct to treasurer.

Failure to pay, treasurer shall enforce payment.

Commissioners shall consider proportional value and length of road in this state.

Railroad claiming exemption on account of contract with state.

Residue of property, if exemption is allowed, subject to taxation as herein provided.

Commissioners may require all arguments to be presented in writing.

Lessor liable for tax when road is leased.

Commissioners empowered to summon and examine witnesses, books, etc.

Persons refusing to answer summons, produce books, etc., guilty of a misdemeanor.

Penalty.

Guilty of contempt.

Value of shares of stock of canal and steamboat companies, etc.

SEC. 49. The commissioners shall have power to summon and examine witnesses and require that books and papers shall be presented to them for the purpose of obtaining such information as may be necessary to aid in determining the valuation of any railroad property. Any president, secretary, receiver or accounting officer, servant or agent of any railroad or steamboat company having any portion of its property or roadway in this state who shall refuse to attend before the commissioners when required to do so, or refuse to submit to the inspection of said commissioners any books or papers of such railroad company in his possession, custody or control, or shall refuse to answer such questions as may be put to him by said commissioners or order, touching the business or property, moneys and credits and the value thereof of said railroad company, shall be guilty of a misdemeanor, and on conviction thereof before any court of competent jurisdiction, shall be confined in the jail of the county not exceeding thirty days and be fined in any sum not exceeding five hundred dollars and costs; and any president, secretary, receiver, accounting officer, servant or agent aforesaid, so refusing as aforesaid, shall be deemed guilty of contempt of such commissioners and may be confined by order of said commissioners in the jail of the proper county until he shall comply with such order and pay the cost of his imprisonment.

SEC. 50. The value of the shares of capital stock of any canal company, the property of all canal and steamboat companies in this state, shall be assessed for taxation as above provided for said roads. In case any officer fails to return the property as provided in this section, the commissioners shall ascertain the length of such property in this state and shall assess the same in proportion to length at the highest rate at which property of that kind is assessed by them.

#### SALE OF REAL ESTATE FOR TAXES.

Before real estate is sold for taxes notice shall be served on delinquent.

SEC. 51. Before any real estate shall be sold for taxes, the sheriff or tax collector shall serve a written or printed, or partly written and partly printed, notice of such sale on the delinquent taxpayer 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 [published] in his county having a general circulation therein, which newspaper shall be designated by the board of county commissioners: *Provided*, the same be given to the lowest bidder. And if there be no newspaper published in his county, he shall

Proviso.

give notice of such sale by written or printed notice posted on the door of the court-house or building in which the courts are commonly held, for four consecutive weeks previous to the sale, and he may adjourn the sale from day to day until all the property advertised has been offered. The notice shall contain a notification that all the lands on which the taxes of the preceding year (naming it) remain unpaid will be sold and the time and place of sale, and said notice must contain a list of the lands to be sold and the amount of taxes due thereon. The sheriff shall add to each description of land and town lots so advertised the sum of twenty cents to defray the expenses of advertising, which sum shall be added to the amount due on said land or town lots for taxes due, collected in the same manner as the taxes. No land shall be sold for taxes unless the taxpayer has not sufficient personal property to pay the same situated in the county where the tax is due.

Written or printed notice on door of building sufficient when no newspaper is published in county.

No land shall be sold for taxes unless taxpayer has not sufficient personal property to pay the same.

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.

Persons failing to pay sheriff for property, property shall be resold

SEC. 53. The sheriff shall keep a sale book showing the land sold, the name of the purchasers, and the sum for which each tract was sold, and on or before the first Monday of May following the sale of real property he shall file in the office of the clerk of the board of county commissioners a return thereof as the same shall appear on said sale book, and such certificate shall be an evidence of the regularity of the proceedings.

Sheriff shall keep a sale book.

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 willingly sell or assist in selling any real property for payment of taxes to defraud the owner of such real property, or shall knowingly or willingly 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.

Sheriff failing to attend land sale guilty of a misdemeanor.

Sale of land not liable.

Penalty.

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

Sheriff interested in land purchased at sale for taxes liable to fine.

Penalty.

superior court brought in the name of the county against such sheriff and his bondsmen, and all such sales shall be void.

When personal property is charged for tax.

SEC. 56. When it becomes necessary to charge the tax on personal property against real property, the sheriff or collector shall select for that purpose some particular tracts or lots of real property owned by the person owing such personal property tax, and in his advertisement for sale shall designate the particular tracts or lots of real property against which such personal property tax is charged.

Purchaser of land entitled to certificate from sheriff.

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:

The purchaser shall have lien for all taxes, etc., paid by him.

Treasurer shall give receipt.

Persons purchasing more than one parcel of land.

#### CERTIFICATE OF SALE.

State of North Carolina \_\_\_\_\_ county.

Form of sheriff's certificate of sale.

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 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 purchasers; and whenever the sheriff makes a deed to any land sold for taxes he shall enter an account thereof in the sale book opposite the description of the land conveyed.

Sheriff allowed 50 cents for each certificate.

SEC. 59. The owner or occupant of any land sold for taxes, or any person having a lien or interest thereon, may redeem the same at any time within one year after the day of such sale by paying the sheriff for the use of such purchaser, his heirs or assigns, the sum mentioned in his certificate, with interest thereon at the rate of twenty per centum per annum from the date of purchase, together with all other taxes subsequently paid, whether for any year or years previous or subsequent to said sale, and interest thereon at the same rate from the date of such payment, and the sheriff shall enter a memorandum of the redemption in the list of sales and give a receipt therefor to the person redeeming the same, for which he may charge a fee of twenty-five cents, and shall hold the redemption money paid, subject to the order of the purchaser, his agent or attorney: *Provided*, that infants, idiots, and insane persons may redeem any land belonging to them from such sale within one year (after the expiration of such disability on like terms as if the redemption had been made within one year) from the date of said sale and from the date of each subsequent payment of taxes thereon at the rate of twenty per centum per annum on the several amounts so paid by the purchaser until redemption. Any redemption made shall inure to the benefit of the person having the legal or equitable title to the property redeemed, subject to the right of the person making the same to be reimbursed by the person benefited.

Owner of property sold for taxes may redeem same within a year.

Proviso.

When infants, idiots and insane persons may redeem such land.

Sales made shall inure to persons having equitable right.

SEC. 60. 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.

Purchasers of such property allowing same to be sold for taxes shall not be entitled to deed.

Rights of second purchaser.

SEC. 61. Any person claiming an undivided part of any land sold for taxes, may redeem the same on paying such proportion

Persons claiming undivided interest in land sold for taxes.

of the purchase money, interest, principal and subsequent taxes as he shall claim of the land sold.

In cases of partial redemption.

SEC. 62. 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.

No deed shall be given until certain conditions are complied with.

SEC. 63. 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 can not 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 shall be served on person in actual occupancy of land.

When no person is in actual possession of land sold for taxes.

Such purchaser shall make affidavit that he has complied with required conditions.

SEC. 64. 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 regis-

ter shall be entitled to the same fee therefor as allowed by law for recording deeds. Fee of register.

SEC. 65. 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 printer's 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. Fee for publication of sale. By whom paid.

SEC. 66. 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: After expiration of one year of said land is not redeemed it shall be delivered to purchaser.

*Provided*, when a sheriff or tax collector has made due sale of land for taxes and dies before executing a deed thereto, or when a sheriff or tax collector dies, and in collecting taxes due on lists that were in his hands for collection his executor or administrator or anyone 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. Provido.

SEC. 67. 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: Successor to deceased sheriff proper person to execute 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, Deed as made by sheriff shall be recorded as conveyances of real estate.

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 Form of deed from sheriff to purchaser.

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.

Such deeds presumptive evidence of rights of purchaser.

Real property conveyed subject to taxation. Taxes were not paid before sale. Property had not been redeemed.

Had been listed and assessed. Taxes levied according to law. Property sold for taxes. Due notice served.

Manner of sale as law directed.

Grantee named in deed was purchaser. All prerequisites of law complied with.

In controversies and suits involving title of property.

SEC. 68. 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 omis-

sion to list or assess the property, or to levy the taxes, or to sell the property; but no person shall be permitted to question the title acquired by a sheriff's deed without first showing that he or the person under whom he claims title had title to the property at the time of the sale, and that all taxes due upon the property have been paid by such person or the person under whom he claims title as aforesaid: *Provided*, that in any case where a person has paid his taxes, and through mistake in the entry made in the sheriff's books or in the receipts, the land upon which the taxes were paid was afterwards sold, the sheriff's deed shall not convey the title; *Provided further*, that in all cases where the owner of lands sold for taxes shall resist the validity of such tax title, such owner may prove fraud committed by the officer selling the same, or in the purchaser, to defeat the same, and if fraud is established such sale and title shall be void.

Proviso.

When person has paid taxes and sale made through mistake. Proviso.

Such sales shall be void when fraud is established. Purchaser held harmless when land is sold by mistake.

SEC. 69. 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.

Of whom purchaser may recover.

SEC. 70. 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.

When land is erroneously sold for taxes entry shall so be made.

SEC. 71. 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

Action for recovery of such property shall not lie unless brought within three years.

When owner is minor, insane, idiot, etc.

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.

Acts of assessors, etc., in suits questioning validity of deed valid.

SEC. 72. 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, sheriff, 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.

No sale invalidated because charged in name of other than rightful owner.

SEC. 73. 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.

Books and records of register sufficient evidence of sale

SEC. 74. 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.

Irregularities in making assessment, etc., shall not invalidate sale.

SEC. 75. 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.

Certain defects to be held as mere irregularities.

SEC. 76. 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, or real or personal property assessed for taxation, or upon which any taxes

Failure of assessors to attach oath.

Description of the value of figures.

Failure of sheriff to adjourn sale from day to day.

are levied, or which may be sold for taxes, provided such description be sufficiently definite to enable the sheriff, tax collector or other officer, or any person interested, to determine what property is meant or intended by the description: and in such case a defective or indefinite description on the assessment or collector's book, or in any notice or advertisement, may be made definite by the sheriff in the deed by which he may convey such property, if sold for taxes by conveying a proper and definite description of the property so defectively or indefinitely described; any other irregularity, informality or neglect or omission on the part of any or in any proceedings whether mentioned in this section or not; the neglect or omission to tax or assess for taxation any other person or property: the over taxation of persons or property liable to be taxed, including in an assessment a tax for an illegal purpose.

Defective or indefinite description.

Other irregularities and informalities.

Taxes for illegal purposes.

SEC. 77. That when any corporation doing business in this state shall fail or neglect to pay any taxes assessed or charged against it, when the same shall become delinquent, it shall be lawful for the sheriff to notify any agent or officer of said company in the county where such tax is delinquent that the same is delinquent and the amount due, and shall further notify such officer or agent to pay over all moneys that may be in his hands or that may afterwards come into his hands, belonging to such corporation, not exceeding the amount of tax due to such sheriff; and if such agent or officer shall fail to pay over said moneys to the sheriff, he shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty dollars nor more than five hundred dollars. And if any corporation shall be delinquent for taxes for six months after they become due, its charter shall be forfeited and a receiver appointed by the clerk of the superior court to wind up the affairs of such corporation, upon suit brought by the attorney-general if such corporation was chartered by the general assembly; and if by letters of incorporation issued from the clerk's office, upon an affidavit made by the sheriff that he can not collect the taxes due, the letters shall be revoked and publication made to that effect, the cost of which shall be paid by the county.

Corporations failing or neglecting to pay taxes.

Sheriff shall notify agent to pay over all moneys in his hands.

Failure to pay over such moneys a misdemeanor.

Penalty.

Corporations delinquent for six months shall forfeit charters.

SEC. 78. 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.

No injunction shall be granted by courts to restrain the collection of delinquent taxes.

Taxes levied and assessed for illegal and unauthorized purposes.

Demand may be made 30 days after payment of such taxes on treasurer.

On failure to return, counties, cities and towns so levying and assessing may be sued.

When judgment shall be rendered with interest.

Counties, cities, councils and towns shall not discharge any portion of such taxes as are here levied.

Taxes so remitted may be recovered by civil action.

When causes arise rendering the collection of certain taxes impossible said taxes shall be stricken from books in two years.

except such tax be levied or assessed for an illegal or unauthorized purpose, but in every case the person or persons claiming any tax or any part thereof to be for any reason invalid, or that the valuation of the property is excessive or unequal, who shall pay the same to tax collector or other proper authority, in all respects as though the same was legal and valid, such person may at any time within thirty days after such payment demand the same in writing from the treasurer of the state or of the county, city or town, for the benefit or under the authority or by the request of which the same was levied; and if the same shall not be refunded within ninety days thereafter, may sue such county, city or town for the amount so demanded, including in his suit against the county both state and county tax; and if upon the trial it shall be determined that such tax or any part thereof was 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. 79. 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. 80. Whenever it shall appear from the returns of the sheriff that any person charged with the 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 the 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. 81. No city or town collector of taxes shall either directly or indirectly contract for or purchase any warrant or order or orders issued by the county or municipal corporation of which

he is collector, at any discount whatever upon the sum due on such warrant or order or orders; and if any sheriff or collector of taxes shall so contract for or purchase any such order or warrant, he shall not be allowed in settlement the amount of said order or warrant or any part thereof, and shall also forfeit the whole amount due on such order or warrant, to be recovered by civil action, at the suit of proper authority, for the use of the school fund of the county or benefit of such municipal corporation.

City or town collectors of taxes shall not purchase warrants, orders, etc., issued by county or municipality of which he is collector. Shall not be allowed in settlement the amount of such warrant.

SEC. 82. 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 effects 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 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.

Owner of a certificate of tax sale shall be deemed to be owner of all liens for taxes.

Each settlement of taxes separate cause for action. Proviso. When action to foreclose lien may be instituted.

SEC. 83. If the owner of any such certificate shall fail or neglect either to demand a deed thereon or to commence an action for the foreclosure of the same, as provided in the preceding section, within two years from the date thereof, the same shall cease to be valid or of any force whatever either as against the person holding or owning the title adverse thereto, and all other persons, and as against the state, county and all other municipal subdivisions thereof.

Failure or neglect of owner of certificate to demand deed.

SEC. 84. 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.

When plaintiff recovers in such action he shall be entitled to interest.

## DEFINITIONS.

- Words defined. SEC. 85. 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:
- Bank, banker, broker and stock jobber. (1) Bank, banker, broker, stock jobber—whoever has money employed in the business of dealing in coin, notes or bills of exchange, or in any business of dealing in or buying or selling any kind of bills of exchange, checks, drafts, bank notes, promissory notes, bonds, warrants or other writing obligatory, or stocks of any kind or description whatsoever, or receiving money on deposit.
- Collector. (2) Collector, collectors—county and deputy collectors, including sheriffs.
- List-takers and assessors. (3) List-takers and assessors—have all authority conferred upon list takers in this act.
- Credits. (4) Credits—every claim or demand for money, labor, interest of valuable things due or to become due, including money on deposit.
- He. (5) He—male, female, company, corporation, firm, society, singular or plural number.
- (6) Real property, real estate, land, tract, lot—not only the land itself, whether laid out in town or city lots or otherwise, with all things contained therein, but also all buildings, structures and improvements, and other permanent fixtures of whatever kind thereon, and all rights and privileges belonging or in anywise belonging thereto, except where the same may be otherwise denominated by this act.
- Shares of stock and shares of capital stock. (7) Shares of stock, shares of capital stock—the shares into which the capital stock of every incorporated company or association may be divided.
- Tax, taxes. (8) Tax, taxes—any taxes, special assessments or costs, interest or penalty imposed upon property.

## MISTAKES IN ASSESSMENTS.

- Errors in respect to names of persons assessed may be corrected either by assessor or clerk of board of county commissioners. SEC. 86. If on the assessment roll there be an error in the name of the person assessed, or any taxable property shall not be entered thereon, the name may be changed or the property entered on the list by the assessors after the roll has been returned to the clerk of the board of county commissioners, or such error may be corrected or the omission supplied by the county commissioners upon satisfactory evidence of such error or omission at a regular meeting of the board; and the board may make an order requiring the person to be affected to show cause, at a day to be therein appointed, why the error shall not be corrected or omission sup-

plied, 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.

Order may be made requiring person affected to show cause why error shall not be corrected. Thirty days notice shall be given party affected.

Proceedings to correct such omissions must be instituted within six months after time property would have been assessed.

PURCHASE AT TAX [SALES] BY MUNICIPAL OFFICER.

SEC. 87. 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, as set out in section fifty-seven of this act, 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.

Commissioners of counties may bid in real estate sold for taxes when no other bidders appear.

Sheriff shall issue certificate in name of county.

SEC. 88. 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 on the amount expressed in such certificate: *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 certifi-

When three years or more delinquent taxes, commissioners may sell certificate at not less than 50 per centum on the amount expressed on certificate.

Proviso.

When taxes due city or town, county commissioners may purchase for amount of taxes without interest.

cate thereof for an amount not less than fifty per centum of the amount expressed in such certificate.

In case real estate is within corporate limits of town the mayor is empowered to purchase.

SEC. 89. 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 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.

Whenever such real estate is purchased by town or county, sheriff not obliged to settle with state until certificate has been sold.

SEC. 90. Whenever real estate is purchased by county commissioners or by the city or town, the sheriff of the county wherein the real estate is situated shall not be obliged to account to the state treasurer or to any person for the amount of taxes due until the county commissioners or city or town authorities have sold the certificate or certificates of purchase of the real estate sold. And in all cases where such certificate or certificates of purchase of the real estate sold shall have been sold and assigned by the county commissioners for an amount not less than fifty per centum of the amount expressed in such certificates, and in all cases when real estate has been sold by the sheriff of a county at a minimum valuation, fixed thereon by the county commissioners in cases where the amount of taxes due exceeds the valuation of said real estate, and in all cases where the tax lien is foreclosed by the county commissioners, the sheriff shall be required to account to the state treasurer or any city treasurer or person, for the proportion only of the amount actually received, due the state or otherwise, and the sheriff shall receive credit for the full amount of the taxes charged up by the state or city or town against said real estate.

When sheriff is required to account to state treasurer for amount of tax on such property.

When there is more than one year tax due on city or town real estate, certificate may be assigned by mayor for not less than 50 per cent of the tax due.

SEC. 91. Whenever there is more than one year's tax due upon city or town real estate the certificate of purchase may be assigned by the mayor at not less than fifty per centum of the tax due, and when such certificate is assigned by the mayor, and not before, he shall pay to the sheriff the due proportion of the state and county tax.

#### FORECLOSURE OF TAX LIENS BY COUNTY COMMISSIONERS.

Commissioners and town authorities may foreclose liens.

SEC. 92. That the county commissioners may foreclose the lien for all taxes due the state and county, and the mayor or other chief officer of any city or town may foreclose the lien for the taxes due such city or town. That any assignee of such tax cer-

tificate 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.

Any person may purchase real estate at such foreclosure.

#### FORECLOSURE OF TAX LIENS BY OWNERS OF CERTIFICATES.

SEC. 93. That any person, persons or corporations 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.

Persons having lien or real estate may foreclose.

Foreclosure in the nature of foreclosure of mortgage.

SEC. 94. 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 nowise interfere with the rights granted in this act.

Persons holding certificates of purchase shall be deemed entitled to foreclose.

Proviso. Taking out a tax deed shall not interfere with rights granted in this act.

#### PROVISIONS FOR COLLECTING TAX AND BY WHOM TO BE PAID.

SEC. 95. That taxes upon any and all railroads in this state, including road-bed, right-of way, depots, side-tracks, ties and rails, now constructed or hereafter to be constructed, are hereby made a perpetual lien thereupon commencing from the first day of June in each current year, against all claims or demands whatsoever of all persons or bodies corporate except the United States and this state; and the above-described property or any part thereof may be taken and held for the payment of all taxes assessed against said railroad company in the several counties in this state.

Taxes on railroads shall be a lien on property of same.

SEC. 96. The property mentioned in the preceding section is hereby declared to be personal for the purpose of taxation and collection of the same.

Any part of said property may be taken for taxes assessed against railroad. Property mentioned in preceding section, personal property for purpose of taxation. Persons removing personal property or failing or refusing to give in same, guilty of a misdemeanor.

SEC. 97. 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.

Word "person" and "his and her," shall be taken as referring to all corporations.

SEC. 98. The word "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.

Every person liable to tax for lands of which they stand seized in less than fee.

SEC. 99. 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.

When persons seized of lands as tenants by courtesy, etc., fail to pay tax, interest is forfeited to reversioner or remainderman.

SEC. 100. 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.

Lands may be redeemed within one year.

SEC. 101. 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.

Taxes paid by person having lien on real estate shall take priority over other liens.

When land is owned jointly by two or more parties.

SEC. 102. In all cases where any tract of land may be owned by two or more persons as joint tenants, as copartners or tenants in common, and one or more of the proprietors shall have paid or may hereafter pay the tax or tax the [and] penalty charged or chargeable on his or their proportion or proportions of such tract, and one or more of the remaining proprietors shall have failed or may hereafter fail to pay his or their proportion of the tax and penalty charged or chargeable on said lands has or shall be made between them, the tax or tax and penalty paid as aforesaid shall be deemed to have [been] 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,

When proprietor pays tax or tax and penalty of other proprietor or proprietors on land held jointly.

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 has 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.

When lands are sold for partition, or by administrator, guardian, etc.

#### SHERIFF TO KEEP RECORD—SUPPLEMENT OF TAXES.

SEC. 103. 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, a suitable book for this record shall be provided by the state auditor, 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.

Records kept by sheriff.

Shall report on first Monday in each December to commissioners receipts, etc.

Shall make affidavit to correctness of statement. Clerk shall record same.

Sheriff shall on or before second Monday in January settle state tax account with commissioners.

State treasurer may extend time.

Sheriff shall file duplicate report with commissioners.

Sheriff shall be charged to amount of tax as appearing on abstract.

Auditor shall make certain deductions from list returns.

Taxes on personal property insolvent.

Over-payments on former settlements.

Five per cent commission. Compensation of sheriff for time required in making settlement.

Failure of officer to make settlement within time prescribed by this act.

SEC. 104. 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 a manner or at such place as he shall direct, provided the state treasurer may extend the time on a sufficient amount to cover the state tax on the land sales in each county to first Monday in May. The commissioners shall forthwith report to the state auditor the amount due from such accounting officer, setting forth therein the net amount due to each fund, and the treasurer, upon a statement from the auditor, shall open an account against such officer and debit him accordingly. The sheriff or tax collector, in making his settlements as aforesaid, shall file with the commissioners a duplicate of the list required in section one hundred and four of this act. In such settlement the sheriff or other officers shall be charged with the amount of public tax as the same appears by the abstract of the taxables transmitted to the auditor; also with all double tax and taxes on unlisted property by him received and with other tax which he may have collected or for which he is chargeable. The auditor shall give to each sheriff or tax collector a certified statement embracing the subjects of taxation contained in both lists and the amount of tax on each subject, which the sheriff or tax collector shall deposit with the clerk of the commissioners of his county for public inspection.

SEC. 105. The auditor in making the settlement of the amount due from the sheriff or tax collector aforesaid, shall deduct from the list return:

- (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.
- (2) All over-payments made in former settlements by reason of any error in the clerk's abstract of taxables.
- (3) Five per centum of commission on the amount collected.

SEC. 106. 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.

SEC. 107. 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 with- out other notice than is given by the delinquency of the officio. And to the end that the obligations and names may be known the clerk of the superior court shall, on or before the second Monday in October in each year, transmit to the auditor a copy certified under seal of the court, of the bond of the sheriff and his sureties, upon pain for his default of forfeiting to the state one thousand dollars, which the auditor shall, and is hereby specially charged to collect in like manner and at such times as is provided in this section. If the sheriff or other accounting officers shall fraudulently and corruptly fail to account as aforesaid, or shall fraudulently make any deed to the contrary under section eighty-seven (eighty-five) of this act, he shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction, shall be sentenced to pay a fine, in the discretion of the court, and be imprisoned not less than three nor more than twelve months.

Penalty.

Within 20 days after default shall have occurred, recover judgment.

Clerk shall transmit report to auditor on or before the second Monday in October of each year.

Failure of sheriff or other accounting officer to account, guilty of a misdemeanor. Penalty.

SEC. 108. 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: *Provided*, the county commissioners may extend the time of settlement of the sheriff of the county taxes to the first Monday in May.

Sheriff shall pay taxes to treasurer. Shall at no time hold more than \$300.

On or before first Monday in February of each year sheriff shall account with treasurer.

Proviso. Commissioners may relieve sheriff of penalty. Proviso.

SEC. 109. The treasurer of the state with the advice and appro-

Treasurer of state may grant indulgence to defendants with advice of attorney general.

val 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.

Sheriff allowed to deduct from amount appearing on tax lists

SEC. 110. 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 beyond the first of May in the year following in which taxes were levied:

Fees of sheriff for lands sold for taxes.

Proviso.

Commissioners may extend time of settlement of county taxes.

Proviso.

Sheriffs presenting money not actually derived from taxes.

*Provided*, that it shall be unlawful for any sheriff or tax collector, in accounting with the board of county commissioners for either the state or county taxes, to exhibit or present in said county any money not actually derived from the collection of taxes; and any such sheriff or tax collector so offending shall forfeit a penalty of five hundred dollars, one half of which shall belong to any person who shall sue for the same, and the other half to the county in which the sheriff resides: *Provided further*, that any sheriff, tax collector or county treasurer who shall use any part of the county or state taxes otherwise than is directed by law, shall forfeit double the amount of his commissions on the county and state taxes for the year in which he so misused said taxes, one-half to belong to any person suing for the same, and the other half to the county in which said sheriff resides.

Proviso.

Treasurer, sheriff or other officer applying money otherwise than directed by law shall forfeit double the amount of his commissions. Commissioners shall appoint one or more of their number to be present at settlement.

SEC. 111. 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 prima facie evidence of their correctness, and impeachable only for fraud or special error: *Provided*,

Proviso.

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.

Compensation allowed said committee.

SEC. 112. In case the sheriff of a county shall fail, neglect or refuse to account with the county treasurer and assistant committee as above required, or to pay what may be rightfully found due in such accounts, he shall forfeit and pay to the state, for the use of the county, a penalty of twenty five hundred dollars. It shall be the duty of the county treasurer, and if he neglect or refuse to perform it, the chairman of the board of commissioners, to cause an action to be brought in the superior court of the county on the bond of the sheriff, against him and his sureties, to recover the amount owing by him and the penalty aforesaid; if the sheriff shall fraudulently and corruptly fail to account as aforesaid he shall be criminally liable thereupon in like manner and with same penalties imposed for such criminal defalcation in section one hundred and eight of this act.

Failure or refusal of sheriff to settle with treasurer.

Penalty.

If sheriff fraudulently fails to account liable for criminal action.

SEC. 113. 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.

County treasurer shall give five days' notice to all county officers (except sheriff) to appear at court house on certain day in January and present vouchers, etc.

Accounts, when audited, shall be reported.

SEC. 114. 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 sheriffs in this act; and it shall be the duty of all persons having tax moneys in hand to account for and settle with said tax collector.

When tax collector has been appointed, certain duties incumbent on him.

SEC. 115. If any sheriff shall die during the time appointed for collecting the taxes, his sureties may collect them, and for that purpose shall have all power and means for collecting the same from the collectors and taxpayers as the sheriff would have had, and shall be subject to all the remedies for collecting and settlement of the taxes on their bond or otherwise as might have been had against the sheriff if he had lived.

Sureties may collect taxes on death of sheriff during term of office.

SEC. 116. The sheriff (and in case of his death the sureties) shall

Sheriff shall have one year from time prescribed for settlement to collect taxes.

5,000 copies of act shall be printed for distribution among county officers.

Five copies shall be printed for each member of the general assembly. State auditor shall prepare and furnish to commissioners suitable blanks, etc.

Conflicting laws repealed. Proviso.

Such repeal shall not affect rights heretofore acquired, etc.

Laws relating to elections repealed.

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.

SEC. 117. 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.

SEC. 118. 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.

SEC. 119. The state auditor shall prepare and furnish to the board of commissioners of each county a sufficient number of blank forms or lists, with the proper oath added thereto, on which each taxpayer in the state shall make out under oath a true statement and return of all his property, with the value thereof, according to the provisions of this act.

SEC. 120. 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. 121. That this act shall be in force from and after its ratification.

Ratified the 8th day of March, 1897.

## CHAPTER 16.

**An act to repeal chapter one hundred and fifty-nine of the public laws of eighteen hundred and ninety-five, and chapter one hundred and eighty-five of the public laws of eighteen hundred [and] ninety-seven.**

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter one hundred and fifty-nine of the public laws of eighteen hundred and ninety-five, entitled "An act to revise, amend and consolidate the election laws of North Carolina," and chapter one hundred and eighty-five of the public laws of eighteen hundred and ninety-seven, entitled "An act to amend the election law of North Carolina," be and the same are hereby repealed.

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

Ratified the 26th day of January, A. D. 1899.

## CHAPTER 17.

An act to provide a short form for agricultural liens and chattel mortgages, and to prescribe the fees for probating and registering the same.

*The General Assembly of North Carolina do enact :*

Section 1. That for the purpose of creating a valid agricultural lien under section seventeen hundred and ninety-nine of The Code, and amendments thereto, for supplies to be advanced, and also to constitute a valid chattel mortgage as additional security thereto, and to secure a preexisting debt, the following form shall be deemed sufficient, and for those purposes legally effective :

State of North Carolina----- county.

SECTION 1. Whereas I, -----, am engaged in cultivating the soil, and ----- ha----- this day agreed to make advances to me of supplies, to the value of ----- dollars, and such further sums as said ----- may deem necessary, not to exceed in all ----- dollars, during the year 18--, to enable me to make a crop during the said year on land in said state and county, ----- township, adjoining the lands of -----, and being the same -----: *Now, therefore*, in consideration of the premises, I do covenant with ----- <sup>Form for agricultural lien.</sup> that I will properly cultivate and harvest on said lands -- acres in cotton, -- acres in corn, -- acres in tobacco, and -- acres in --, that there is no lien on said crop, and to secure payment of the amount advanced to me, I do hereby give ----- a lien, as provided in section seventeen hundred and ninety-nine of The Code of North Carolina, on all the crops which may be raised on said land during the year 18--. And if by -----, 18--, I fail to pay the amount advanced, and also fail to deliver to ----- all said crops at ----- place of business, ----- may close this lien as provided in section eighteen hundred of The Code, or otherwise, and receive from the proceeds the amount due for advances, together with all costs, and expenses of closing the same, and the surplus, in [if] any, pay to -----

SEC. 2. And to further secure payment of the amount that may be advanced, and also the sum of ----- dollars, now due ----- by note, dated --, 18--, with interest from -----, I convey to ----- all the above crops, and also the following articles of personal property: -----, all of which is my own and free from encumbrance, and if by -----, 18--, I fail to pay the amount due them, ----- may sell the property conveyed in this section, as provided by law for sale under chattel mortgages, and from the proceeds retain all amounts provided for in section one.

Witness my hand and seal, this ---- day of -----, 18-----.

Witness:

----- [Seal.]

-----, the owner of the land described in the foregoing instrument do \_\_\_ hereby agree with the said -----, in consideration of the advances to be made to ----- by -----, that the above given lien shall have priority to the extent of the advances made by ----- to -----, during the year 18\_\_\_\_, over any lien to which I may be entitled upon the crop to be made by him on said lands during said year,

Witness: ----- [Seal.]

State of North Carolina—----- county  
-----, 18\_\_\_\_.

The due execution of the foregoing lien was this day proven before me by the oath and examination of -----, subscribing witness thereto

-----, [Seal.]  
Justice of the Peace.

State of North Carolina—----- county.

The foregoing certificate of ----- a justice of the peace of ----- county, is adjudged to be correct. Let the lien with the certificate, be registered, this \_\_\_ day of ----- 18\_\_\_\_

-----  
Clerk of the Superior Court.

State of North Carolina—----- county  
----- 18\_\_\_\_

The due execution of the foregoing conveyance was this day proven before me by the oath and examination of ----- the subscribing witness thereto. Let the same with this certificate be registered.

-----  
Clerk of the Superior Court.

Filed for registration at \_\_ o'clock, \_\_ m ----- 18\_\_, and registered at \_\_ o'clock \_\_ m ----- 18 \_\_.

-----  
Register of Deeds.

Fees of clerk and register for probating and registering these instruments,

SEC. 2. That the fees for the probate and registration of liens executed according to the forms set out above, shall be as follows: To the clerk for probating ten (10) cents, and to the register of deeds for registering the instrument together with the probate and all necessary acknowledgments and certificates, thirty (30) cents. The fees shall be the same whether said instrument conveys a lien on crops alone, or a lien on crops and a conveyance of chattels also, *Provided*, the above fees shall not apply to other forms of lien or mortgage.

SEC. 3. If any person after executing a lien as aforesaid for advances shall fail to cultivate the lands described therein, or the person to whom said lien was executed shall be relieved of any further obligation to furnish supplies; and the debts and advancements theretofore made, shall become due and collectible at once, and the person to whom the instrument was executed may proceed to enforce the same, and to take possession of, cultivate and harvest said crops. It shall not be necessary to incorporate such power in the instrument, but this section shall be sufficient authority. *Provided*, the sale of any property under the powers contained in this act may be made at any place in the county, after ten days notice at the court-house and three other public places.

When persons executing such papers shall fail to cultivate land, amount due and collectible at once.

SEC. 4. The commissioners of every county to which this act may apply, shall forthwith have record books made with the aforesaid forms printed therein, and the cost of said books and of the printing of said forms, and of such other said books as may be hereafter required, shall be paid by said commissioners.

Commissioners of counties to which this act applies, shall supply necessary record books.

SEC. 5. The secretary of state is hereby directed, immediately after the ratification of this act, to send a certified copy of the same to the register of deeds of each of the counties to which this act shall apply, and it shall be the duty of the register of deeds to have a notice of the act published for three days in some newspaper published in said county, the cost of said notice to be paid by the county.

Secretary of state directed to give notice to counties affected.

SEC. 6. This act shall apply only to the counties of Forsythe, Perquimans, Harnett, Davie, Washington, Granville, Cumberland, Vance, Nash, Edgecombe, Greene, Duplin, Wayne, Lenoir, Buncombe, Person, McDowell, Martin, Rutherford, Onslow, Pender, Wilson, Rockingham, Rowan, Durham, Caswell, Robeson, Bladen, Brunswick, New Hanover, Moore, Polk, Burke, Beaufort, Chowan, Ashe, Watauga, Sampson, Alleghany, Carteret, Pitt, Catawba, Alamance, Craven, Jones, Gaston, Richmond, Lincoln and Gates.

Counties to which this act applies.

SEC. 7. That an act entitled "An act to amend chapter sixty-eight of public laws of one thousand eight hundred and ninety-seven" ratified on the \_\_ day of January eighteen hundred and ninety-nine, be amended by striking out section three thereof and inserting in lieu thereof the following: "This act shall be in force from and after the fourth day of March, nineteen hundred and one."

Amended.

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

Ratified the 28th day of February, A. D. 1899.

## CHAPTER 18.

An act to amend chapter thirteen, of the laws of one thousand eight hundred and ninety-seven, entitled "An act to provide for and promote the oyster industry of North Carolina, ratified the twenty-third day of February, one thousand eight hundred and ninety-seven.

*The General Assembly of North Carolina do enact :*

Chapter 13, sections 2 and 4, laws of 1897, relating to certain regulations of oyster industry, amended. Certain license tax reduced.

SECTION 1. That chapter thirteen, sections two and four of the laws of one thousand eight hundred and ninety-seven, entitled "An act to provide for and promote the oyster industry of North Carolina," ratified the twenty-third day of February, eighteen hundred and ninety-seven, be and the same is hereby amended as follows, to-wit: in line five, section two of [the said act, strike out word "Onslow," and insert in lieu thereof the word "Beaufort;" in line eight, section four, strike out the words "five dollars" and insert in the place thereof the words, "two dollars and fifty cents;" in line eleven, section four, strike out the word "ten" and insert the word "five" in place thereof; in line twelve, section four, strike out the word "three" and insert the word "two" in the place thereof; in line eighteen, section four, insert after the words "steam vessel," and before the word "of," the words "or any vessel propelled by gas or electricity;" in line twenty-one, section four, strike out all after the word "state," down to and including the word "thereto" in line twenty-three, and add to the said section four, after the word "state" in line twenty-five, the following: "that no boat, vessel or craft with or without decks, shall receive a license or be permitted in any manner to engage in the catching of oysters anywhere in the waters of this state, if the said boat, vessel or craft shall be under any mortgage, lien or incumbrance to any non-resident of the state of North Carolina, or to any person, firm or corporation who has not been a resident of this state at least (12) twelve months prior to the giving of the said mortgage, lien or incumbrance, nor unless the owner, master, mate and manager shall have been *bona fide* residents of North Carolina at least one year prior to the issuing of the said license: *Provided*, that no instrument or implement other than ordinary hand tongs shall be used for the purpose of taking or catching oysters in the waters of lower Broad creek and Jones' bay, in Pamlico county, [and] Rose bay, Hyde county.

What boats shall be licensed.

Non-resident owners.

Proviso.

What instruments may be used in taking oysters.

Section 7 amended.

SEC. 2. That section seven (7) of the said act be and the same is hereby amended by striking out in line three of section seven the words, "the deputy inspector," and insert in the place thereof the words "the clerk of the superior court of the county wherein the said oysters are purchased;" and by striking out in line ten all after the word "collected," down to and including the word "tax," in line thirteen of the said section seven (7); and further, by inserting in line [fifteen, after the word "canning," and before the word "oysters," the words "or shucking;" and further, by inserting in

line fourteen, after the word "who," and before the word "take," the words "purchase or."

SEC. 3. That sections eleven, twelve, thirteen, fifteen, sixteen, seventeen, eighteen and nineteen of the said act be and the same are hereby repealed. Certain sections repealed.

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

SEC. 5. This act shall take effect from and after its ratification.

Ratified the 28th day of February, 1899.

#### CHAPTER 19.

### An act to provide for the general supervision of the shell-fish industry of the state of North Carolina.

*The General Assembly of North Carolina do enact :*

SECTION 1. That there shall be (7) seven commissioners hereinafter named in this act to carry out the provisions of this act and the tax relating to the shell-fish industry in North Carolina, and the taking, catching and handling of shell fish, within the waters of this state. The term of office of the said commissioners shall begin on the tenth day after the ratification of this act and shall continue for two years and until their successors are elected and qualified. That the said board of commissioners shall meet and elect one of their members chairman and one of their members as secretary of the said board, and shall fix the amount of the additional compensation for such extra service: *Provided*, that neither the chairman nor the secretary shall receive a greater sum than fifty dollars each per year for such extra services. That should a vacancy occur in the said board, at any time, by the death or resignation of any member, then his successor shall be elected by the remaining members of the said board. The said commissioners, in addition to the oath to support the constitution and laws of the United States and the constitution and laws of the state of North Carolina, shall take an oath before some person duly authorized to administer oaths, to faithfully execute the duties of their said office of shell-fish commissioner to the best of their knowledge and ability, without fear, favor or malice, reward or hope of reward. That each commissioner, and each and every agent or servant of the said board, before entering on his duties, shall execute before and file with the clerk of the superior court of any county named in this act, a justified bond in the sum of five hundred dollars (\$500) with two sureties. Said bond to be paid to the state of North Carolina, the condition to be void upon the faithful performance of duty. The state treasurer shall provide the form of the said bond.

Seven commissioners shall be appointed to carry out provisions of act.

Term of office of commissioners.

Election of chairman and secretary. Proviso. Compensation.

Vacancies occurring.

Oath of commissioners.

Agents of said board shall execute bond.

SEC. 2. That George H. Hill of Washington, Beaufort county, B. D. Scarboro of Avon, Dare county, Daniel L. Roberts of Newbern, Commissioners appointed.

Craven county, Robert W. Wallace of Beaufort. Carteret county, C. C. Allen of Elizabeth City, Pasquotank county, J. M. Clayton of Englehard, Hyde county, and Daniel B. Hooker of Bayboro, Pamlico county, be and the same are hereby declared shell-fish commissioners. That the commissioners shall meet annually at Newbern, North Carolina, and at such other times and places as may be deemed necessary upon the call of the chairman of the said board. That each of the said commissioners shall receive as compensation the sum of four hundred dollars per annum, payable monthly, and mileage at the rate of five cents (5 cents) per mile in going to and returning from the said meetings according to the usual route of travel. The said commissioners shall, at their first meeting, lay off the public oyster grounds and bed into seven (7) districts, and shall prescribe and provide the methods for collecting and reporting all taxes and license tax to be collected and reported in said districts; and it shall be the duty of each commissioner to faithfully perform each and every duty so prescribed by said board at some port or place in the district wherein the said commissioner resides, for which services said commissioner shall receive no further compensation than the four hundred dollars (\$400) already provided for.

SEC. 3. That the secretary of state shall, at the request of the secretary of the board of shell-fish commissioners, furnish to the clerk of the superior court of the counties of Dare, Hyde, Currituck, Craven, Pamlico, Carteret, Chowan, Pasquotank and Beaufort, and such other persons as the said board may designate, suitable receipt books, as said board may prescribe, containing stubs and receipts each properly numbered, which said receipt books and receipts shall be used by the said clerks and other persons who may now be or at any time hereafter authorized by law to collect any tax or license tax imposed upon any person or persons engaged in catching, handling, shipping or dealing in oyster or other shell-fish, or purchasing oysters or other shell-fish, in receipting for the said license or tax. That the said clerks of the said several counties, or any other person who may or shall have received any money or moneys required by law to be paid either as license tax for catching oysters or other shell-fish or the taxes for purchasing oysters or other shell-fish, shall, not later than the tenth day of each month forward to the secretary of the said board a statement showing all license issued during the preceding month and the amount received therefor, and the amount of tax or taxes received from any party, person, firm or corporation engaged in purchasing oysters or other shell-fish, or engaged in taking, shucking, shipping, canning or selling oysters, and shall remit to the treasurer of the state the amount so received less the clerk's commission of 5 per cent. The said statement shall give the name of the person paying the said tax, the amount paid, the number of bushels or gallons, and the number of the receipt given for such payment, and the secretary of the said

Commissioners shall meet annually.

Compensation of commissioners.

Shall lay off public oyster grounds. Shall provide method for collection of taxes.

Limitation to compensation.

Secretary of state required to furnish certain receipt books, etc.

Taxes, upon whom collected.

Taxes shall be remitted to treasurer.

board shall, within ten days after the receipt of the said statement, forward to the treasurer of North Carolina a consolidated statement showing the amount which should have been paid to the said treasurer by each clerk or other person authorized to receive and receipt for any money arising from any tax imposed upon any party or parties engaged in carrying on any business connected with or dealing in shell-fish in North Carolina.

Secretary of board shall furnish statement to treasurer.

SEC. 4. That the said board of commissioners through its respective members, or through their duly appointed or elected agents or servants, shall cause all oysters caught in the waters of North Carolina to be culled on the oyster beds where caught according to law and shall make such provisions as shall be necessary to enforce said law and for the inspection of such oysters and other shell-fish as may be caught in the waters of North Carolina, and shall make such provisions as may be necessary to carry out and enforce the laws governing the catching and handling of oysters and other shell-fish and to see that no illegal means are used in catching, selling or shipping oysters or other shell-fish, and for this purpose may employ such agents and servants as may be necessary and pay them such reasonable compensation as the board may fix: *Provided*, that no agent or servant shall receive a greater compensation than the sum of fifty dollars per month. That the said board may employ or rent, and pay a reasonable rent therefor, tug-boat or boats for the purpose of enforcing the law, and place thereon the armament of the state police steamer "Lillie." should the said state police steamer "Lillie" become unseaworthy or sold.

Commissioners, shall cause oysters to be culled on oyster beds.

Duty of commissioners to prevent illegal fishing, etc.

Proviso.

Board may rent boats, etc.

SEC. 5. That each and every person, firm or corporation engaged in the business of canning, packing, shucking or shipping oysters or other shell-fish shall, not later than the tenth day of May of each and every year, file with the secretary of the said board a statement, duly sworn to before some officer authorized to administer oaths, showing the number of bushels or gallons of oysters purchased or caught by the said person, firm or corporation since the first day of May of the preceding year and to whom and when the said tax thereon was paid. The said reports shall be of such form as may be prescribed by the said board, the blanks for which shall be provided by the secretary thereof and printed by the parties who shall have charge of the public printing of the state

Firms engaged in canning, fishing, etc., shall file statement with secretary of state.

SEC. 6. That the said board, through such agents or servants as it may designate, shall provide for the safe-keeping of the state police steamer "Lillie," and the expense of keeping and using the same shall be paid out of any money belonging to the shell-fish fund. That the agent of the said board may use in such way and manner as prescribed by said board the said steamer in carrying out the laws relating to the shell-fish industry of North Carolina. Should it become necessary at any time for the enforcement of the laws relat-

Board shall provide for safe-keeping of state police steamer.

Governor shall provide troops for enforcement of laws.

Unlawful to take oysters from this state to other states unless culled.

Persons having charge of vessel shall exhibit license.

Tax required on vessels not having license.

On failure to pay tax vessel may be sold.

ing to the shell-fish industry, the governor shall, on application of the chairman of the said board, provide such troops from the state guard or naval reserves as may be needful to arm the said steamer and to enable the agent of the said board to enforce the laws governing the shell-fish industry of North Carolina: or arm tug-boat or boats should the said steamer be unfit for use or be sold.

SEC. 7. That it shall be unlawful for any vessel, steamer or craft, the owner, agent, employee, master or mate thereof, or any other person, to take any oysters from this state to another state unless the said oysters have been dully culled according to law and inspected by some person authorized so to do and unless the tax provided by law shall have been first paid thereon. That if any vessel, steamer or craft loaded with oysters or other shell-fish, in whole or in part, shall attempt to go from this state to another state with the master or mate or person having charge of such vessel, steamer or craft, shall upon demand exhibit to any member of the said board or to any agent or servant of the said board his receipt showing that the said tax has been paid to the proper party and a certificate from the party inspecting said cargo, showing that the said oysters have been duly culled and inspected; and if the master, mate or person having the said vessel or steamer in charge shall fail or refuse upon demand of any member of the said board or of any servant or agent of the said board to exhibit the said tax receipt and certificate of inspection, then the member of the said board making such demand, or by any of its agents or servants, shall have the power and authority with or without written process to seize the said vessel, steamer or craft and hold the same until a tax of twenty (20) cents per bushel for each and every bushel on board of such vessel, steamer or craft shall have been paid, together with all the costs and expenses incurred by reason of seizing said boat; and upon refusal by the master, mate or person having charge of such vessel, steamer or craft to pay such tax and expenses, the said vessel, steamer or craft shall be, by some member of the said [board] or by some agent of the said board, sold at public auction, after ten days' notice of such sale, by posting a notice at the court-house door and three other public places in the county where the said seizure was made, stating the time and place of such sale: the said sale shall take place on Saturday between the hours of 12 m. and 1 p. m., and on or near the said vessel, steamer or craft. That out of the proceeds of such sale, the said tax and all expenses of such seizure and sale, including the cost of making title to the purchaser, shall then be paid, and the surplus, if any, shall go one-half to the oyster fund, one-fourth to the person informing and one-fourth to the person making the seizure. That for the purpose of carrying out the provisions of this act any member of the said board, or the agents or servants of the said board designated by the said board for that purpose, shall have the

power to close or shut the bridge at Coinjock across the Albemarle and Chesapeake canal, in Currituck county, and the bridge across the Dismal Swamp canal at South Mills, Camden county, to prevent the passage of said vessel, steamer or craft; and any member of the said board, or any of its agents or servants, shall have power and authority to call upon any person or persons to aid and assist in making such seizure, and any such person or persons refusing to give or render such aid and assistance shall be guilty of a misdemeanor and upon conviction fined not less than one hundred dollars or imprisoned at the discretion of the court.

Certain bridges may be closed for purpose of carrying out provisions of this act.

SEC. 8. That the said secretary of the said board shall make an annual report to [the] governor of all the proceedings of the said board, including an itemized account of its expenditures and of the amounts which should have been received from the shell-fish industry of the state; which said report shall be filed with the governor not later than December first of each year, and the said board through its secretary shall bi-annually file with the public printer, or the parties having charge of the public printing of the state, at least thirty days before the meeting of the legislature a report, together with copies of all reports made to the said board, showing in detail the amount of taxes collected and the expenditures of the said board and the condition of the several shell-fish industries in the state.

Secretary of board shall make annual report to governor.

Board shall bi-annually file report with public printer.

SEC. 9. That the treasurer of North Carolina shall keep the funds arising under this act or any other act relating to the oyster industry or other shell-fish industry of the state separate and apart from the other public funds in his hands, and shall pay the expenses of carrying out this act, including the compensation allowed by the said board to its agents, servants or employees from the said fund, upon the warrant of the auditor, which warrant shall be issued by the auditor upon the certificate of the secretary of the said board and countersigned by the chairman of the board of shell-fish commissioners, and in like manner shall pay the cost and expenses of keeping and using the steamer "Lillie": *Provided*, the entire expenses of this act, so to be paid out, shall not exceed the sum of six thousand dollars during any one year.

Treasurer shall keep funds arising from this act separate and apart from other funds

Proviso. Sum expended under this act shall not exceed \$6,000

SEC. 10. That any person or persons, firms or corporation violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined not more than one thousand dollars nor less than one hundred dollars, or may be imprisoned at the discretion of the court.

Violation of this act a misdemeanor.

SEC. 11. That all laws or parts of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 12. That this act shall be in force from and after its ratification.

Ratified the 2nd day of March, A. D. 1899.

## CHAPTER 20.

An act supplemental to an act ratified the second day of March, eighteen hundred and ninety-nine, entitled "An act to provide for the general supervision of the shell-fish industry of North Carolina."

*The General Assembly of North Carolina do enact:*

Amends act ratified March 2nd, 1899.

SECTION 1. That an act ratified on the second day of March, eighteen hundred and ninety-nine, entitled "An act to provide for the general supervision of the shell-fish industry of North Carolina" be and the same is hereby amended as follows: By striking out in section nine all of said section beginning at the word "provided" down to and including the last word of said section.

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

Ratified the 8th day of March, A. D. 1899.

## CHAPTER 21.

A supplemental act to an act entitled "An act to provide for the general supervision of the shell-fish industry of the state of North Carolina" and ratified on March second, eighteen hundred and ninety-nine.

*The General Assembly of North Carolina do enact:*

Treasurer to pay only authorized claims.

SECTION 1. The treasurer of the state of North Carolina shall not pay any compensation to any person or persons claiming the same for services rendered concerning the shell-fish industry unless such person or persons are authorized to render such services under the provisions of the said act, entitled "to provide for the general supervision of the shell-fish industry of the state of North Carolina," and ratified March second, eighteen hundred and ninety nine.

Persons attempting to collect, etc.

SEC. 2. That any person or persons who shall attempt to collect or who shall collect any funds of whatsoever kind arising out of the shell-fish industry by way of tax, license tax or otherwise after the twelfth day of March, eighteen hundred and ninety-nine, unless such person or persons shall be so authorized or empowered under the provisions of the act entitled "to provide for the general supervision of the shell-fish industry of the state of North Carolina," and ratified on March second, eighteen hundred and ninety-nine, shall be guilty of a misdemeanor, and upon conviction fined one hundred dollars or imprisoned at discretion of the court.

Penalty.

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

Ratified the 8th day of March, A. D. 1899.

## CHAPTER 22.

## An act to incorporate the Roanoke Railroad and Bridge Company.

*The General Assembly of North Carolina do enact :*

SECTION 1. T. L. Emry, J. C. Simmons, J. J. Daniel, W. A. Pierce and Thomas N. Hill, of North Carolina, and such persons as may hereafter be associated with them, their successors and assigns, are hereby created a body politic and corporate, to exist for the term of sixty years under and by the name of the "Roanoke Railroad and Bridge Company," and by such name may sue and be sued, and shall have all the general powers and be subject to all the general restrictions given or imposed by the laws of this state to, or upon railroad and other corporations.

SEC. 2. That said company shall have the right to construct, maintain and operate a railroad from any point in the county of Halifax in this state within five miles of the Roanoke River to any point in the county of Northampton in this state within five miles of said river, over any line or route that may be selected to pass through or within five miles above or below the property of the "Roanoke Rapids Power Company"; and may build and construct a bridge across the Roanoke river, on the line adopted as aforesaid, for the use of said road: *Provided*, that the said bridge shall be so constructed as not to impede the navigation of said river at that point: *And provided further*, that in the construction of said bridge and railroad, if it shall be necessary to cross the canal of the Roanoke and Navigation Water-power Company or to touch the works of said company, that said bridge and railroad shall be so constructed as to pass over said canal without weakening or impairing the banks of said canal, or disturbing in any manner the use of said property, without the consent of said Navigation and Water-power Company.

SEC. 3. The capital stock of said company shall be not less than twenty-five thousand dollars (\$25,000,000), but may be increased from time to time by the stockholders of said company by a majority vote in any annual or special meeting to any amount or amounts, not to exceed, however, the sum of six hundred thousand dollars (\$600,000), and shall be divided into shares of one hundred dollars (\$100) each.

SEC. 4. The incorporators named in the first section of this act, any two of whom may act, are hereby made and appointed commissioners to open the books of subscription in the town of Weldon, North Carolina, upon such notice as to them may seem proper, and to receive subscriptions to the capital stock of said company. Each subscriber shall be required to pay to said commissioners, at the time of subscription, the sum of five dollars (\$5)

Incorporators.

Corporation, term of existence.

Corporation, name of.

Powers and restrictions.

When corporation may construct and operate railroads.

May construct bridge, where.

Provisos.

Capital stock. May be increased how.

Never to exceed what amount.

Shares of stock, how divided.

What incorporators may open books.

Amount to be paid, when.

How company may be organized.

Election of president and directors.

Directors, how many.  
Term of officers.  
Secretary and treasurer, by whom elected.  
Other officers.  
Duties of officers.  
Compensation of officers.  
Who may subscribe to stock of company.

Company may charge and collect tolls.

Company may consolidate with other railroads.

What real estate the company may acquire.

Bonds, how issued.

By-laws.

on each share subscribed for, and the balance due on the said stock shall be paid at such times and in such manner as the board of directors of said company shall call for the same. As soon as the said sum of twenty-five thousand dollars (\$25,000) has been subscribed and the first installment on the same shall have been paid, then the said commissioners shall call a meeting of such subscribers, by such notice as to them may seem proper, and at such meeting the said company may be duly organized by the election of a president and a board of directors which shall consist of not less than three nor more than five members, to hold office until their successors are duly elected; and the board thus elected shall have power to elect a secretary and treasurer, and such other officers and agents as it may deem necessary for the proper management and transaction of the company's business, and may prescribe their duties and fix their compensation.

SEC. 5. Any corporation organized under the laws of this or any other state, may subscribe to and own the stock of said company; and the said company shall have the right to charge and collect tolls for the use of said bridge by any other railroad company, and may enter into any traffic or other agreements for the use of the said bridge by any other railroad company as may be agreed upon from time to time; or the said company shall have the power to consolidate with any other railroad company, organized under the laws of this state, either by contract of consolidation, or the sale or lease of its property, rights and franchises to such other company, on such terms as may be agreed upon: *Provided*, the same is approved by a two-thirds vote of the stockholders of the company hereby incorporated.

SEC. 6. That said company shall have the right to acquire such real estate as may be necessary for its purposes, including a right-of-way for the railroad, and such as may be necessary for said bridge, by purchase or gift, or by condemnation, in the manner prescribed by the general laws of this state.

SEC. 7. The said company shall have the right to issue its bonds, either coupon or registered, to any amount not to exceed in all the sum of five hundred thousand dollars (\$500,000), and to secure the payment of the same by one or more mortgages, conveying the whole or any part of its property, real, personal or mixed, and all of its rights, powers, franchises and privileges, on such terms and conditions and to such trustee or trustees as to the board of directors may seem proper.

SEC. 8. The stockholders of said company may, at any meeting, make such by-laws for the management of its affairs, and for the election of such officers as to them may be deemed expedient.

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

Ratified January 26th, A. D. 1899.

## CHAPTER 23.

**An act to repeal chapter three hundred and thirty-one (331) of the public laws of eighteen hundred and ninety-seven.**

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter three hundred and thirty-one (331), public laws of 1897, be and the same is hereby repealed. Chapter 331, laws 1897, repealed.

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

Ratified the 26th day of January, A. D. 1899.

## CHAPTER 24.

**An act to incorporate the State's Prison of North Carolina, and to provide for the government thereof.**

*The General Assembly of North Carolina do enact :*

SECTION 1. That the State's Prison of North Carolina, located near the city of Raleigh, be and the same shall remain a corporation under that name. The said corporation shall be invested with all of the property, real and personal, choses in action, rights in action, and other rights now owned, held, or enjoyed by the North Carolina Penitentiary or State's Prison, and shall be liable for all of the debts and other liabilities for which the said penitentiary or State's Prison is now liable. Body corporate—name, rights, powers, privileges, liabilities.

SEC. 2. The said State's Prison of North Carolina shall be and is hereby empowered to buy, acquire, lease and hold all property, real, personal or mixed, which may be necessary for conducting its operations as may be provided by law. May buy, acquire or lease and hold property, real, personal or mixed.

SEC. 3. That in addition to the persons who are at present directors of the State's Prison or penitentiary, there shall be appointed by this general assembly twelve directors, whose term shall begin on the date of their appointment and continue two years and until their successors shall be appointed by the general assembly of North Carolina. All laws or clauses of laws conferring upon the governor the power to appoint or nominate directors for the penitentiary or State's Prison, are hereby repealed, and this general assembly shall appoint persons to fill all vacancies now existing in the present board of directors. Additions to directors.  
Terms of offices of directors.  
Appointment by governor, repealed.

SEC. 4. That the compensation of all directors of the State's Prison of North Carolina shall be four dollars per day each, and five cents per mile each way of travel, while in the discharge of their official duties, which compensation shall be paid upon a Compensation of directors—mileage.  
Itemized statement to be filed.

duly itemized statement filed with the state auditor and approved by him.

Wardens, etc.,  
how employed.

SEC. 5. The board of directors may, by themselves, or through such agencies as they may establish, employ wardens, physicians, managers, supervisors or overseers, and all other servants or agents necessary to conduct the operation of the affairs of the State's Prison, and shall by their rules and regulations prescribe the duties thereof and fix their compensation.

Property, under  
what control.

SEC. 6. All property belonging to the State's Prison of North Carolina shall be under the control of the board of directors and held and managed by them through their agents and employees in accordance with such rules and regulations as the said board may prescribe. The said board of directors shall require their agents and employees to safely keep and account for all properties, moneys and other things of value belonging to said corporation, under such rules as the said board may prescribe.

Properties and  
moneys to be  
kept and ac-  
counted for.

Directors provide  
for, and receive  
convicts; shall  
arrange for em-  
ployment of  
inmates.

SEC. 7. The said board of directors shall make provision for receiving and keeping in custody all convicts sentenced to imprisonment in the State's Prison by the courts of this state until discharged according to law. The said board shall also make provision for the employment of all convicts confined in the State's Prison, either in said prison or on farms leased or owned by said corporation.

Directors, first  
meeting.

SEC. 8. That said board of directors shall hold their first meeting in the building near the city of Raleigh, known as the penitentiary or State's Prison, on the tenth day of February, eighteen hundred and ninety-nine, and after taking the oath of office before some person authorized to administer oaths, and [shall] organize by electing a chairman and secretary, and at once take under their control the property of said State's Prison and the convicts confined therein, and enter upon the discharge of the duties hereby imposed upon them.

Oath of office.

Chairman, secre-  
tary.

Executive board,  
when and by  
whom appointed.  
Executive board,  
meetings.

SEC. 9. The said board of directors, at their said first meeting and annually thereafter on the first Monday in January shall appoint an executive board to be composed of three of their own number, which said executive board shall meet on the eleventh day of February eighteen hundred and ninety-nine and bi-monthly thereafter, or at such other times as the chairman thereof may think necessary for the proper management of the affairs of said corporation. The said executive board shall have and exercise all of the powers hereby conferred upon or exercised by the full board of directors while in session, but said executive board may not revoke, repeal or amend any rule, regulation or by-law made by the full board. The said executive board may elect its chairman, and fill all vacancies that may occur therein, and may, whenever it

Executive board,  
powers of.

Prohibition.

may be necessary, call a meeting of the full board of directors upon ten days' notice thereof.

SEC. 10. The said executive board shall receive the same compensation as the board of directors.

SEC. 11. The board of directors, either at a regular annual meeting or a special meeting called in the manner herein provided for, shall be empowered to lease, sublet or sell to any person or corporation any or all lands or personal property owned or leased by said State's Prison, and contract for the hire or employment of any able-bodied convicts not necessary to be detained in the prison near Raleigh, upon such terms as may be just and fair to State's Prison: *Provided*, that such convicts, when so hired or employed, shall remain under the actual management, control and care of the said executive board, or its employees, agents and servants: *Provided further*, that no such contract shall be made unless the same shall provide that the said State's Prison shall be indemnified against any loss or expense incurred in cultivating said farms and employing such convicts.

SEC. 12. The office of superintendent of the penitentiary is hereby abolished, and all laws and clauses of laws providing for the appointment of, or imposing any duties upon, or providing any compensation for, such officer are hereby expressly repealed.

SEC. 13. The office of clerk of the penitentiary is hereby abolished, and all laws and clauses of laws providing for the appointment of, or imposing any duties upon, or providing any compensation for, such officer are hereby expressly repealed.

SEC. 14. That chapter two hundred and nineteen of the laws of eighteen hundred and ninety-seven, and chapter four hundred and seventeen of the laws of eighteen hundred and ninety-five, and chapter two hundred and eighty-three of the laws of eighteen hundred and ninety-three, and section three thousand four hundred and twenty-seven of The Code, and all laws amendatory thereto, and all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

SEC. 15. That the provision of this act in so far as they provide for the election of twelve directors and the filling of vacancies in the board of directors shall be in full force and effect from and after its ratification; the other provisions thereof shall go into effect on the tenth day of February, eighteen hundred and ninety-nine, when the persons now in charge of the said penitentiary or State's Prison and the convicts therein, shall turn over the same to the board of directors herein provided for.

Ratified the 26th day of January, A. D. 1899.

Chairman, vacancies, called meetings.  
Notice.  
Executive board, compensation of.

Directors, power to sue, lease, let, sublet and dispose of property and contract, etc.

Proviso.

Proviso.

Office of superintendent abolished  
Conflicting laws repealed.

Office of clerk of penitentiary abolished.  
Conflicting laws repealed

Chapter 219, laws of 1897, relating to government of penitentiary, repealed.

Chapter 417, laws 1895, concerning government of penitentiary, repealed.

Chapter 283, laws of 1893 relating to government of penitentiary, repealed.

Section 3427, Code, relating to government of penitentiary, repealed.

Conflicting laws repealed.  
When provisions go into effect.

## CHAPTER 25.

**An act to amend section two thousand and seventy-nine of The Code of North Carolina.***The General Assembly of North Carolina do enact:*

Section 2079, relating to execution of process by sheriff.

SECTION 1. That section two thousand and seventy-nine of The Code of North Carolina be amended as follows: In line twenty of said section strike out the words "within his county."

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

Ratified the 31st day of January, A. D. 1899.

## CHAPTER 26.

**An act to extend the charter of Fairfield Canal and Turnpike Company.***The General Assembly of North Carolina do enact:*

Fairfield Canal and Turnpike Company is continued a body corporate for the term of 60 years.

SECTION 1. That the charter of the Fairfield Canal and Turnpike Company, which was originally granted by an act ratified on the twenty-ninth day of January, Anno Domini eighteen hundred and forty-nine, entitled "An act to incorporate the Fairfield Canal Company," amended by an act ratified on the second day of February, Anno Domini eighteen hundred and fifty-nine, entitled "An act to amend an act entitled an act to charter the Fairfield Canal Company," and amended by an act ratified on the first day of April, Anno Domini eighteen hundred and seventy-one, entitled "An act to fix the capital stock of the Fairfield Canal and Turnpike Company," is hereby extended so that from and after the date of the ratification of this act, the said Fairfield Canal and Turnpike Company shall continue to be and is hereby made a body politic and corporate for sixty years, and by that name shall continue to have all the rights, powers and privileges granted by its original charter and the several amendments thereto, hereinbefore referred to, anything in its said charter contained to the contrary notwithstanding, and shall have all of the general powers given to and be subject to all the general restrictions imposed upon like corporations by the laws of this state.

Shall have all the rights, privileges and powers granted by original charter, and shall be subject to instructions therein found.

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

Ratified the 31st day of January, A. D. 1899.

## CHAPTER 27.

## An act to incorporate The African Aid and Burial Society of North Carolina.

*The General Assembly of North Carolina do enact:*

- SECTION 1. That George W. Watts, president; W. M. Brown, vice-president; J. S. Templeton, secretary; C. S. Brawley, treasurer; B. H. Templeton, J. D. Watts, Stokes Brown, J. F. White, J. C. Gillespie, Charlie Campbell, Sam Simonton, J. W. Lemley and other persons that are now members of Lodge No. 1, and such other persons as they may associate with them, be and are hereby constituted a body politic and corporate under the name of "The African Aid and Burial Society of North Carolina," with its principal place of business at Mooresville, N. C. Incorporators.  
Constituted a body politic and corporate.  
Name of corporation.  
Place of business.
- SEC. 2. That the object of said society shall be for charitable and benevolent purposes, to educate the members thereof socially and morally, to provide for the relief of sick and distressed members, and especially to provide for the decent burial of its members in case of death. Object of the corporation.
- SEC. 3. That said society shall have power under its constitution and by-laws to raise funds to carry out its purposes as above stated. Powers of corporation.
- SEC. 4. That said corporation shall have the power to purchase and hold real estate to the amount of five thousand dollars, and personal property to the amount of two thousand dollars, to sue and be sued by its corporate name, to use a common seal, and make such constitution and by-laws as may be necessary for its good government, not inconsistent with the constitution and laws of North Carolina. May purchase and hold real estate—amount.  
May sue and be sued.
- SEC. 5. That the officers of said society shall consist of a president, vice-president, secretary and treasurer, who shall be elected annually. Officers of corporation.
- SEC. 6. That said society shall be governed by a grand lodge and by subordinate lodges, which shall hold their meetings at such times and places as fixed by constitution and by-laws: *Provided*, that Lodge No. 1 shall constitute said grand lodge until ten subordinate lodges are organized under it, and thereafter it shall be composed of one delegate from each subordinate lodge, who shall elect their own grand officers. Corporations, how governed.  
Proviso.
- SEC. 7. That this act shall be in force from and after its ratification. Ratified the 31st day of January, A. D. 1899.

## CHAPTER 28.

**An act to authorize the publication of the sketches of North Carolina regiments.****Preamble.**

WHEREAS, under the authority of the Confederate Veterans Association of North Carolina, a sketch of the history of each of the regiments from this state serving in the Confederate army, written by a survivor of each command, has been collected under the supervision of Walter Clark, acting at the request of said association; and whereas the state is desirous of preserving these memorials of its soldiery, now, therefore:

*The General Assembly of North Carolina do enact :*

Number of copies to be published—how distributed.

SECTION 1. That not exceeding one thousand volumes in cloth binding of said sketches shall be published by the state, under the above supervision, and the same to be distributed as follows: One copy thereof to the clerk of the superior court of each county in the state, to the library of the state, and the state university, and to each college in North Carolina, and that one volume be placed in such libraries, upon the request of the board of commissioners of any county, as are established and used by public schools, for the benefit of the school children, and to such other persons as the trustees of the public library shall see fit; and the balance shall be sold at cost by the state to the public, and the proceeds covered into the public treasury: *Provided, however,* the state shall be at no expense for editing or otherwise, and the only cost to the state of publication shall be the paper, typesetting, press work and binding.

Volumes not distributed to be sold at cost.

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

Ratified the 31st day of January. A. D. 1899.

## CHAPTER 29.

**An act to amend section one thousand two hundred and eighty-five of The Code.**

*The General Assembly of North Carolina do enact :*

Section 1285, Code, relating to divorce. Ill treatment by husband in another state may be made cause for absolute divorce on part of wife in North Carolina.

SECTION 1. That section one thousand two hundred and eighty-five of The Code be amended as follows: Add to said section of said Code the following sub-division: If the husband, having married a citizen of North Carolina, shall remove with her to any other state, and while living with her in such other state shall, by cruel or barbarous treatment, endanger her life or render her condition intolerable or burdensome, the wife shall, upon returning to North Caro-

lina. and residing therein, separate and apart from the husband for the period of twelve months, be entitled to an absolute divorce, to be decreed by the courts of this state: *Provided first*, that in the event of divorce granted to the wife for the causes specified in this act, the husband shall not remarry during the life of the wife: *Provided second*, that the husband and wife shall be competent witnesses to testify in their own behalf as to all facts within their knowledge pertinent to the issue. Proviso.

SEC. 2. That this act shall apply to cases now pending in the courts of this state, but shall not apply to any separation that shall take place after the passage of this act. Applies to what cases.  
Prohibition.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 31st day of January, A. D. 1899.

### CHAPTER 30.

**An act to appoint a joint committee to investigate the agricultural department, the state treasurer's office and the charitable institutions of the state.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That a joint committee, consisting of five members, two on the part of the senate and three on the part of the house, be appointed to investigate the condition and management of the agricultural department, the state treasurer's office and the charitable institutions of the state for the past four years. Joint committee to investigate agricultural department, the state treasurer's office and charitable institutions.

SEC. 2. That the said joint committee be authorized, empowered and directed to inquire into the financial condition and management of said agricultural department, state treasurer's office and charitable institutions, with full power and authority to inquire into and investigate any and all charges of fraud, negligence, immorality, incompetency and mismanagement on the part of any officer or employee of said agricultural department, state treasurer's office or charitable institution. Scope of investigation—powers.

SEC. 3. That said joint committee be and they are hereby empowered to employ competent accountants, stenographers and counsel to aid in said investigations; to meet at such times and places as a majority of said committee may elect; to elect a chairman and secretary; to subpoena witnesses and compel their attendance, and to enforce the production and examination of books, records and papers under the same forfeitures and penalties as is provided by law to compel the attendance of witnesses and the production of papers in the superior courts of the state. Committee may employ accountants, stenographers and counsel. Meetings of committee. May elect chairman and secretary. May subpoena witnesses. May enforce the production of books, records and papers—forfeitures and penalties.

SEC. 4. That the chairman of said joint committee shall have full

Chairman shall have power to punish for contempt.

power to punish for contempt any officer or employee of said agricultural department, state treasurer's office, charitable institutions, or any other person who shall willfully refuse to obey all subpoenas directing his or their attendance before said joint committee, or who shall willfully fail to provide any books, papers or records relating to the affairs of said department, office or institution.

Investigation to be made without delay and report to general assembly. May visit in person and make investigation.

SEC. 5. That said joint committee are directed to proceed, without delay, to make said investigation, and report their finding to this general assembly, now in session.

SEC. 6. That said joint committee are empowered to visit in person the said department, office and institutions, and to make personal investigation and examination of all the books and papers thereof.

Expenses, how paid.

SEC. 7. That all expenses incurred by the said committee, including the remuneration of accountants, stenographers, counsel fees and witnesses, shall be paid by the treasurer of the state out of the funds of the state not otherwise appropriated upon the warrant of the chairman, countersigned by the secretary of said joint committee.

Conflicting laws repealed.

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

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

Ratified the 31st day of January, A. D. 1899.

## CHAPTER 31.

**An act to amend chapter sixty-eight of the public laws of one thousand eight hundred and ninety-seven.**

*The General Assembly of North Carolina do enact :*

Chapter 68, laws 1897, relating to probate of crop liens. Robeson inserted.

SECTION 1. That chapter sixty-eight of the public laws of one thousand eight hundred and ninety-seven be and the same is hereby amended as follows: by inserting the word "Robeson" between the words "Franklin" and "Chatham" in line two in section two of chapter sixty-eight of public laws of one thousand eight hundred and ninety-seven.

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 31st day of January, A. D. 1899.

## CHAPTER 32.

An act to repeal chapter five hundred (500) of the laws of eighteen hundred and ninety-seven.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the provisions of chapter five hundred of the public laws of eighteen hundred and ninety-seven, in so far as they relate to the county of Wayne, be and the same are hereby repealed: *Provided*, that this act shall not prevent the collection of the taxes levied during the year eighteen hundred and ninety-eight: *And provided further*, that so much of said taxes as have not been expended prior to the ratification of this act be and they are hereby declared to be a part of the general county fund.

Repealed as to county of Wayne.

Proviso.

Proviso.

Ratified the 31st day of January, A. D. 1899.

## CHAPTER 33.

An act to regulate quo warranto proceedings.

*The General Assembly of North Carolina do enact :*

SECTION 1. That in any civil action pending in any of the courts of this state wherein the title to any office is involved, the defendant being in the possession of said office, and discharging the duties thereof, shall continue therein pending such action, and no judge shall make any restraining order interfering with or enjoining such officer in the premises: and such officer shall, notwithstanding any such order, continue to exercise the duties of such office pending such litigation, and receive the emoluments thereof.

Defendant in quo warranto, in possession of office, shall continue till action is tried and determined.  
Prohibition.

SEC. 2. This act shall apply to existing suits.

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

Ratified the 31st day of January, A. D. 1899.

## CHAPTER 34.

An act to unite the Richmond, Petersburg and Carolina Railroad Company, and for other purposes.

WHEREAS, the purchasers of the property and franchises of the Virginia and Carolina Railroad Company, a corporation existing under the laws of Virginia and North Carolina, at a judicial sale

Preamble.

made in the city of Petersburg on the \_\_\_\_ day of \_\_\_\_\_, 189\_\_, became constituted a corporation of the state of Virginia, under the corporate name of "the Richmond, Petersburg and Carolina Railroad Company"; and

WHEREAS, the said purchasers are, by the general law of North Carolina, a corporation in said state; and

WHEREAS, it is deemed desirable to declare the incorporation of said company in the state of North Carolina, and to remove any doubt as to the unity of the corporation in the two said states; therefore,

*The General Assembly of North Carolina do enact :*

Declared a body politic and corporate—name and style.

May sue and be sued; may implead and be impleaded—rights, privileges and immunities Shall succeed to rights, etc.

May make by-laws, rules and regulations.

Time when stockholders of consolidated corporations shall be deemed to come into possession of property, etc.

Stockholders may hold meetings, organize and transact business in the state or Virginia. Force and effect of acts.

May increase capital stock—size of shares.

SECTION 1. That the said Richmond, Petersburg and Carolina Railroad Company is declared a body corporate and politic, under the name and style of the Richmond, Petersburg and Carolina Railroad Company, and in that name may sue and be sued, plead and be impleaded, and may possess and enjoy all the rights, privileges and immunities of a corporation or body politic in law, and of a corporation for building, constructing, maintaining and equipping a railroad, to which such corporations are entitled under the laws of North Carolina (succeeding to all the rights, privileges and franchises of the said Virginia and Carolina Railroad Company), and may make all such by-laws, rules and regulations not inconsistent with the laws and constitution of this state, as they may deem necessary for promoting the interests thereof.

SEC. 2. That from and after the time when this act shall take effect, the stockholders of the Richmond, Petersburg and Carolina Railroad Company, as incorporated by this act, and from and after the time when this act shall take effect, all property owned, acquired or enjoyed by either of said corporations shall be taken to be the property of the stockholders, for the time being, of said corporation.

SEC. 3. That it shall be lawful for the stockholders of the said corporation to hold meetings, organize said corporation and transact business within the limits of the state of Virginia, and such organization and all acts and proceedings at such meetings shall have the same force and effect as if said meetings had been held in the state of North Carolina.

SEC. 4. That said company may increase its capital stock to two million dollars (\$2,000,000) in shares of one hundred dollars each.

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

Ratified the 31st day of January, A. D. 1899.

## CHAPTER 35.

An act to ratify, confirm and approve the organization and incorporation of the South Carolina and Georgia Extension Railroad Company of North Carolina, to grant it certain powers, to authorize it to consolidate with other railroad companies, and to grant certain powers to any such consolidated company.

WHEREAS, a decree dated June seventeenth, eighteen hundred and ninety-eight, was duly entered in the United States circuit court for the western district of North Carolina in a suit wherein the Finance Company of Pennsylvania was the complainant and the Ohio River and Charleston Railway Company and others were the defendants, foreclosing certain mortgages, and thereafter the foreclosed property was duly sold to Samuel Hunt, Simon A. Stern and John J. Collier, and thereafter said sale was duly confirmed by a decree of said court, dated August tenth, eighteen hundred and ninety-eight; and Preamble.

WHEREAS, in pursuance of said decree a deed dated August thirteenth, eighteen hundred and ninety-eight, was duly executed by George I. White as special master [of] the Ohio River and Charleston Railway Company and others to said purchasers; and

WHEREAS, said purchasers thereafter duly executed, pursuant to sections six hundred and ninety-seven, six hundred and ninety-eight and two thousand and five of The Code, an instrument under their hands and seals, wherein, among other things, it was declared that the name of the new corporation was "South Carolina and Georgia Extension Railroad Company of North Carolina," and that the amount of capital stock should be five hundred thousand dollars (\$500,000), which said instrument was registered in the office of the register of deeds of McDowell county on August twenty-five, eighteen hundred and ninety-eight; and

WHEREAS, said purchasers afterwards associating with themselves George H. Earle, Jr., Evans R. Dick and P. J. Sinclair, as incorporators, duly executed and filed in the office of the secretary of state "articles of association of the South Carolina and Georgia Extension Railroad Company of North Carolina," wherein it was stated, among other things, that the name of the new corporation should be South Carolina and Georgia Extension Railroad Company of North Carolina, and the said corporation was to be operated and maintained from the state line, between the states of North Carolina and South Carolina, on the county line of Cleveland county, to the town of Marion, in the state of North Carolina, through the counties of Cleveland, Rutherford and McDowell, and thence as thereafter constructed and operated through the counties of McDowell, Mitchell and Yancey, to the Tennessee state line, the ap-

proximate length of said road, constructed and to be constructed, being one hundred and forty miles, as near as may be, and that the amount of the capital stock should be seven hundred thousand dollars (\$700,000): Now, therefore,

*The General Assembly of North Carolina do enact :*

Company reorganized and made a corporation. Incorporators, their successors and assigns—body politic—name.

Succession to rights, privileges, powers, etc., of Charleston, Cincinnati and Chicago Railroad Company, etc.

Subject to liabilities of original corporations.

May sue and be sued; may implead and be impleaded. May have common seal. May purchase, hold and convey real estate. Limit of corporate life. Directors, number of. May increase directors. May operate and maintain railroad, where.

Amount of capital stock.

What number of shares of stock may issue. May issue notes of negotiable bonds, and secure obligations by mortgage on.

SECTION 1. That the South Carolina and Georgia Extension Railroad Company of North Carolina is hereby reorganized as a valid and legal corporation; and the said Samuel Hunt, Simon A. Stern, John J. Collier, George H. Earle, Jr., Evans R. Dick and P. J. Sinclair, their associates, successors and assigns, are hereby declared to be a body politic and corporate under the name of the South Carolina and Georgia Extension Railroad Company of North Carolina, with all the powers hereinafter set forth: and it shall be possessed of all the rights, powers, privileges, franchises and immunities that at any time belonged to the Charleston, Cincinnati and Chicago Railroad Company, or to the Ohio River and Charleston Railway Company of North Carolina, or to the Ohio River and Charleston Railway Company, or to any or all of their predecessors, and shall be subject to the liabilities of the predecessors as prescribed in section six hundred and eighty-five of "The Code," and such other general laws as apply to other railroad corporations. Said corporation, by said name, may sue and be sued, plead and be impleaded, in any court, and may have and use a common seal, and shall be capable of purchasing, holding, leasing and conveying estate—real, personal and mixed, and acquiring the same by gift and devise.

SEC. 2. That the said corporation shall continue for sixty years.

SEC. 3. That the number of directors of said corporation shall be six, but the directors of said corporation may increase their number.

SEC. 4. That said corporation shall have the right to operate and maintain a railroad from the state line, between the states of North Carolina and South Carolina on the county line of Cleveland county to the town of Marion in the state of North Carolina, through the counties of Cleveland, Rutherford and McDowell, and thence as thereafter constructed and operated on the route the directors thereof shall find most practicable, through the counties of McDowell, Mitchell and Yancey to the Tennessee state line.

SEC. 5. That the amount of the capital stock shall be seven hundred thousand dollars (\$700,000), divided into seven thousand shares of one hundred dollars each.

SEC. 6. That said corporation shall have the right to issue five thousand shares of its capital stock, or such part thereof as it may deem advisable, and its demand note or its negotiable bonds secured by mortgage upon any or all of its property in payment for such of the property purchased by said Stern, Collier and Hunt at such

foreclosure sale aforesaid as is situated in North Carolina, or for any other of the property so purchased, and said Stern, Collier and Hunt, or their successors, may convey and transfer the same to said corporation and any such stock or note or bonds already so issued, and any such conveyance or transfer already so made are hereby ratified and approved: and said corporation shall have the right to issue stock and bonds in payment of rights-of-way, construction or any other property necessary for its corporate purposes, and shall have the right to acquire any franchises or other property, real, personal or mixed, now or hereafter owned or possessed, if such there be, by the Ohio River and Charleston Railway Company, or the Ohio and Charleston Railway Company of North Carolina, and said companies are authorized to sell, convey and transfer the same to said South Carolina and Georgia Extension Railroad Company of North Carolina, or to any company into which it may be merged or consolidated.

SEC. 7. Said corporation shall have all the rights and powers and immunities which other railroad corporations may lawfully exercise under the general railroad or corporation laws of the state of North Carolina, and be subject to like disabilities.

SEC. 8. Said corporation may assign or lease its franchises and rights and property to any other person or persons or corporation, and may consolidate with any other corporation organized under the laws of this or any other state. Such consolidation shall be made as follows: The directors of the several corporations proposing to consolidate may enter into a joint agreement under the corporate seal of each company, for the consolidation of said companies and railroads, prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the number and names of the directors and other officers thereof, and who shall be the first directors and officers, and their places of residence, the number of shares of the capital, the amount of par value of each share, and the manner of converting the capital stock of each of the said companies into that of the new corporation, and how and when directors and officers shall be chosen, with such other details as they shall deem necessary to perfect such new organization, and the consolidation of said companies or railroads. Said agreement shall be submitted to the stockholders of each of the said companies at a meeting thereof called separately, for the purpose of taking the same into consideration. Due notice of the time and place of holding said meeting, and the object thereof, shall be given by a general notice published in some newspaper of the city, town or county where such company has its principal office or place of business: *Provided*, that all the stockholders may waive the giving of such notice and such publication. At the said meeting the agreement of

What property. Who may convey. Stock, etc., already issued approved.

May issue stock and bonds to pay for right of way, to pay for construction, and to pay for other property. May acquire franchises, etc., of certain companies. Companies authorized to sell, convey or transfer.

Rights, powers and immunities—disabilities

May assign or lease its franchises to any person or corporation. May consolidate with other corporations. How consolidation shall be made.

Terms, conditions, officer-, etc.

Agreement of consolidation submitted to stockholders of each corporation to enter into arrangement. Notice of meetings and objects thereof—how given. *Proviso*.

At meeting of stockholders agreement shall be considered. Vote, how taken. Each share shall have one vote. Ballot cast in person or by proxy. Majority, how certified.

Agreement to be filed in office of the secretary of state. Copies of agreement and act of consolidation certified.

When corporations, parties to agreement shall be taken to be one corporation. Shall possess rights, etc., of original corporation. Shall possess other rights, etc.

When rights, powers, privileges, properties and things in action, etc., of the original corporations shall be taken and deemed to vest in new corporation.

Title to real estate shall not be deemed to revert by reason of agreement of consolidation.

Rights of creditors and liens shall be preserved, and the original corporation may be deemed to continue in existence to protect creditors and preserve liens. Debts and liabilities of original corporations shall attach to new corporation.

the said directors shall [be] considered, and a vote by ballot taken for the adoption or rejection of the same, each share entitling the holder thereof to one vote, and said ballots shall be cast in person or by proxy. If a majority of all the votes of all the stockholders shall be for the adoption of said agreement, then that fact shall be certified thereon by the secretary of the respective companies, under the seal thereof, and the agreement so adopted, or a certified copy thereof shall be filed in the office of the secretary of state, and shall from thence be deemed and taken to be the agreement and the act of consolidation of the said companies; and a copy of said agreement and act of consolidation, duly certified by the secretary of state under his said seal, and shall be evidence of the existence of said new corporation. Upon the making and perfecting the agreement and act of consolidation, and filing the same or a copy with the secretary of state, as above provided, the several corporations, parties thereto shall be deemed and taken to be one corporation by the name provided in said agreement, possessing within this state all the rights, privileges and franchises, and subject to all the restrictions, disabilities and duties of said North Carolina and Georgia Extension Railroad Company of South Carolina, and possessing such other rights, privileges and franchises as are hereinafter conferred upon such consolidated company. Upon the consummation of the act of consolidation, as aforesaid, the rights, privileges and franchises of each of said corporations, parties to the same, and all the property, real, personal and mixed, and all debts due on whatever account, as well as stocks, subscriptions and other things in action belonging to each of said corporations shall be taken and deemed to be transferred and vested in such new corporation without further act or deed: and all property, rights-of-way, and every other interest shall be as effectually the property of the new corporation as they were of the former corporations, parties to said agreements; and the title to real estate, either by deed or otherwise, under the laws of this state, vested in either of such corporations, shall not be deemed to revert, or to be in any way impaired by reason of this article; but all rights of creditors and all liens upon the property of corporation shall be preserved unimpaired, and the respective corporations may be deemed to continue in existence to preserve the same; and all debts, liabilities and duties of either of said companies shall thenceforth attach to said new corporation, and be enforced against it to the same extent as if said debts, liabilities and duties had been incurred or contracted by it. Such new company shall, as soon as convenient after such consolidation, establish such offices as may be desirable, one of which shall be at some point in this state, on the line of its road, and may change the same at pleasure, giving

public notice thereof in some newspaper published on the line of said road. Suits for all causes of action may be brought and maintained against such new company, its successor or successors, in any of the courts of this state, in the same manner as against other domestic corporations therein. Such consolidated corporation shall have the right to issue bonds secured by mortgage in satisfaction of any indebtedness of such constituent corporations, and for any corporate purposes of such consolidated corporation, and to sell the same for less than par, if in the opinion of the directors thereof it is desirable to do so. Such consolidated corporation shall have the power to consolidate with any other corporation of this or any other state and to lease or be leased to, and to make any contract to operate or be operated by any other such corporation. It shall have the right to hold the stocks and bonds of other corporations, and to issue its own stock and bonds therefor. Such consolidated corporation may from time to time increase its capital stock to such amount as its stockholder may, by a majority vote of the whole amount of its stocks deem necessary. Any mortgage authorized to be executed by the South Carolina and Georgia Extension Railroad Company of North Carolina, or any consolidated corporation, or any successor of either, may cover all or a part of the property and franchises owned or thereafter to be acquired by the corporation making such mortgage, and the purchaser at any sale in foreclosure of any such mortgage or deed of trust, whether under a decree of foreclosure or otherwise, shall succeed to all the franchises, rights and privileges of this mortgagor corporation, so far as they relate to or are in any way useful in the operation or otherwise of the part of the property covered by the mortgage under which the sale takes place, and such purchaser shall forthwith be a new corporation, by any name which may be set forth in a writing signed by him, filed and recorded in the office of the secretary of state of this state.

SEC. 9. That section six hundred and eighty-eight, chapter sixteen, and section one thousand nine hundred and eighty, chapter forty-nine, of The Code, are hereby declared inoperative, so as to limit, restrict or make void any rights, privileges or franchises granted to said railroad company or such consolidated company, or any successor thereof by the general laws or this act.

SEC. 10. When any provisions of this act are inconsistent with the declarations or articles of association referred to in the recitals of this act the provisions of this act shall control.

SEC. 11. Each stockholder shall be allowed, in person or by proxy, for the election of directors, as many votes as the number of shares he owns multiplied by the number of directors to be

Offices, when to be established. Location of offices may be changed upon notice thereof. Suits may be brought against new corporation, in what manner. Consolidated corporation may issue bonds to be secured by mortgage, for what purposes. Bonds may be sold for less than par. Consolidated corporation may consolidate with other corporations. It may hold the stock and bonds of other corporations, and may issue its own obligations for such stock and bonds. May increase its capital stock, how. Certain mortgages may cover any part, or all of property, etc., of corporation making such mortgages. Purchasers shall succeed to what powers, rights, properties, etc.

Purchaser to be a new corporation—condition—name.

General law inoperative—extent

Conflict—control.

Each stockholder, how many votes allowed.

elected, the same to be cast for any one candidate, or to be distributed among two or more candidates.

SEC. 12. This act shall be in force from and after its ratification.

Ratified the 31st day of January, A. D. 1899.

## CHAPTER 36.

**An act to appoint a committee to investigate the condition and management of the Agricultural and Mechanical College for the colored race at Greensboro, North Carolina.**

*The General Assembly of North Carolina do enact :*

Joint committee.

SECTION 1. That a joint committee of three, of one on the part of the senate and two on the part of the house be appointed to investigate the condition and management of the Agricultural and Mechanical College for the colored race at Greensboro, North Carolina.

Scope of investigation.

SEC. 2. That said joint committee be authorized, empowered and directed to inquire into the condition of said institution, with full power to investigate any and all charges of fraud, negligence and immorality, incompetency, and mismanagement on the part of any officers or employees of said institution, or on the part of any member or members of the board of said institution.

May employ accountants and stenographers.  
Times and places of meetings.

SEC. 3. That said joint committee be and the same are hereby empowered to employ competent accountants and stenographers to aid in said investigation; to meet at such times and places as a majority of said committee may elect; to elect a chairman and secretary; to subpoena witnesses, and compel their attendance, to enforce the production and examination of books, records and papers, under the same forfeitures and penalties as are provided by law; to compel the attendance of witnesses and the production of papers in the superior courts of the state.

May elect chairman and secretary.  
May subpoena witnesses, send for persons and papers.

SEC. 4. That the chairman of said joint committee shall have full power to punish for contempt any officer or employee of said institution, or any other person who shall willfully refuse to obey all subpoenas directing his or their appearance before said joint committee, or who shall willfully fail or refuse to produce any books, papers or records relating to the affairs of said institution.

Chairman may punish for contempt.

SEC. 5. That the said joint committee are directed to proceed without delay to make said investigation, and report their findings to this general assembly.

Must proceed without delay and report findings.

SEC. 6. That any person who shall willfully fail and refuse to attend and testify before said joint committee, after having been

Failure or refusal to testify a misdemeanor.

subpœnaed to do so, shall be guilty of a misdemeanor, and upon conviction in the superior court of any county in North Carolina wherein he may be found, shall be fined not less than one hundred dollars nor more than one thousand dollars, and imprisoned in the discretion of the court: *Provided*, that the testimony given by any such witness shall not be used against him in any criminal prosecution.

Penalty.

Proviso.

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

Conflicting laws repealed.

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

Ratified the 1st day of February, A. D. 1899.

### CHAPTER 37.

An act to amend section three thousand six hundred and thirty-five of The Code, reducing the price of the Supreme Court Reports from two dollars to one dollar and fifty cents per volume.

*The General Assembly of North Carolina do enact :*

SECTION 1. That in line six of section three thousand six hundred and thirty-five, second volume of The Code, the words "two dollars" be stricken out and the words "one dollar and fifty cents" be inserted in lieu thereof.

Section 3635, Code, relating to price supreme court reports, amended.

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

Ratified the 26th day of January, A. D. 1899.

### CHAPTER 38.

An act to repeal chapter one hundred and fifty, public laws of eighteen hundred and ninety-seven, in regard to the Atlantic and North Carolina Railroad.

*The General Assembly of North Carolina do enact :*

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

Repealed.

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

Ratified the 1st day of February, A. D. 1899.

## CHAPTER 39.

An act to amend chapter three hundred and twenty-nine of the private laws of eighteen hundred and ninety-five.

*The General Assembly of North Carolina do enact :*

Chapter 329,  
private laws 1895,  
relating to execu-  
tion bonds by  
corporations.  
Amended.

SECTION 1. That section two of chapter three hundred and twenty-nine of the private laws of eighteen hundred and ninety-five be amended by substituting in line fourteen (14) the word "fifty" for the words "one hundred," and by substituting in the last line thereof the word "justification" for the word "jurisdiction."

Section added.

SEC. 2. That the said chapter be further amended by adding the following section, to be known as section eight (8) of said act. Section 8. Any receiver, assignee, trustee, committee, guardian, executor or administrator, or other fiduciary required by law to give a bond, as such may include as part of his lawful expenses such sums paid to such company for such suretyship not exceeding one-half of one per cent per annum on the amount of such bond as the clerk, judge or court may allow.

Fiduciaries may  
include sums  
paid bonding  
company in his  
lawful expenses;  
such sums lim-  
ited by clerk,  
judge or court.

Surety companies  
failing to pay  
final judgments  
against them  
shall forfeit  
right to do busi-  
ness in this state.  
Secretary of state  
shall cancel  
license.  
Sections ex-  
changed.

SEC. 3. If any surety company against which judgment shall have been recovered, shall fail to discharge the same within sixty (60) days from the time said judgment was rendered and become final, it shall forfeit its right to do business in this state, and the secretary of state or other proper officer shall cancel its license; this section shall be section nine (9) of said act.

SEC. 4. That section number eight of said chapter three hundred and twenty-nine shall be section number ten of the act as amended by this act.

Conflicting laws  
repealed.

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 3d day of February, A. D. 1899.

## CHAPTER 40.

An act to amend senate bill two hundred and thirty-five,

*The General Assembly of North Carolina do enact :*

Amended.  
Relating to  
seizing in certain  
counties.

SECTION 1. That senate bill two hundred and thirty-five, passed at this session, entitled "An act to repeal chapter fifty-one of the acts of the general assembly of eighteen hundred and ninety-seven, be amended as follows: After the word "distance" and before the word "provided," in section four thereof, insert the words "or, seise within such mile and half," which words shall be taken and considered a part of the said section.

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

Ratified the 1st day of February, A. D. 1899.

## CHAPTER 41.

An act to repeal chapter fifty-one of the acts of the general assembly of eighteen hundred and ninety-seven, entitled "An act to prevent the fishing of certain nets in the Albemarle Sound, and in the rivers emptying therein," and for other purposes.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter fifty-one of the public laws of the general assembly of eighteen hundred and ninety-seven, entitled "An act to prevent the fishing of certain nets in the Albemarle sound, and in the rivers emptying therein," be and the same is hereby repealed. Repealed.

SEC. 2. That it shall be unlawful for any person to set or fish any anchor, drift or staked gill net longer than one thousand yards, or combination of such nets longer than one thousand yards, in any of the waters of Albemarle sound, or in any river emptying therein. Certain nets prohibited in fishing in certain waters.

SEC. 3. That it shall be unlawful for any person to set or fish an anchor, drift or staked gill net west of a line running from Skinner's Point Bouy to Roanoke Light House. Nets not to be used in certain localities in taking fish.

SEC. 4. That it shall be unlawful to set or fish any anchor, drift or staked gill nets within one and one-half miles of any seine grounds on the said sound or rivers emptying therein, or within one-half mile of any dutch net stand, where the same is now located in said sound or rivers: *Provided*, that this section shall not apply to any person fishing within less than half a mile of his own dutch nets, if there be no dutch nets of others within said half mile distance: *Provided further*, that if any seine now operated is hereafter discontinued, and the owner desires to fish dutch nets therein, such dutch nets shall have the same protection furnished other dutch nets by this act. Nets prohibited within certain seine ground in certain waters.

SEC. 5. That it shall be unlawful for any person to set or fish any line or row of anchor, drift or staked gill nets anywhere in said sound or rivers nearer to any other row of such nets than half the length of the longer of said row. Proviso.

SEC. 6. That any person who shall willfully set or fish nets in violation of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding one hundred dollars or be imprisoned not more than thirty days, or both, in the discretion of the court, and any person who shall willfully violate the provisions of this act shall forfeit and pay for each violation of the same the sum of one hundred dollars, to be recovered in a civil action by any one who will sue therefor, one-half of said recovery shall inure to the benefit of the public Prohibited from setting certain nets nearer than certain distances to other nets.

Violations a misdemeanor.

Penalty for benefit school fund.

school fund of the county in which suit is brought, and the balance to the party suing therefor.

Violations of this act a nuisance.

Sheriffs and constables—duties of.

Nets seized held till costs are paid.

Further duty of sheriffs and constables.

Certain nets excepted from provisions of this act.

SEC. 7. That it shall be a public nuisance to set or fish any net or combination of nets in violation of this act, and it shall be the duty of every sheriff and constable of the counties of Chowan, Perquimans, Tyrrell, Washington and Bertie, by himself or his deputy, upon the request of any citizens, he paying or securing the costs, to go upon and inspect the water, and to arrest every person found fishing in violation of this act, and to hold him for his appearance before some justice of the peace of the county nearest to the place of such arrest, and to seize all nets found fishing in violation of this act, and to hold the same till all costs and charges of such examination, arrest, seizure and penalties recovered are paid; and it shall be further the duty of the sheriff of any of said counties, upon the request of any citizen, he paying or securing the costs and charges thereof, to appoint special deputies to assist in enforcing this act, who shall have the same power in respect to it as the sheriff would have if personally present, and such deputies shall continue in office from appointment until the fifteenth day of May following, and shall, during his term of office, reside near the said waters, so as to efficiently perform the duties of his said office.

SEC. 8. That this act shall not apply to any gill net staked at both ends and not more than twenty yards in length from stake to stake, and of the kind fished in said waters before the year eighteen hundred and eighty, nor to any net not over eighty yards in length fished in Cashie river, nor to sturgeon nets of not less than twenty-eight thread twine, and meshes of not less than eleven inches.

SEC. 9. This act shall be in force from and after its ratification. Ratified the 3d day of February, A. D. 1899.

## CHAPTER 42.

An act to repeal section thirteen hundred and thirty-three (333), chapter thirty-one (31) of volume one of The Code of North Carolina.

*The General Assembly of North Carolina do enact:*

Code, section 1333, relating to the buying or selling pretended rights or titles.

SECTION 1. That section thirteen hundred and thirty-three (1333) of chapter thirty-one (31), volume one of The Code be and the same is hereby repealed.

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

Ratified the 3d day of February, A. D. 1899.

## CHAPTER 43.

**An act to amend chapter sixty-five (65) of the public laws of eighteen hundred and ninety-five.**

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter sixty-five (65) of the public laws of (1895), one thousand eight hundred and ninety-five be and the same is hereby amended, by striking out the words "Alamance," "Bladen" and "Granville" in section three of said act, so that said act shall not apply to the counties of Alamance, Bladen and Granville.

Chapter 65, laws 1895, relating to protection of travellers. Amended.

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

Ratified the 1st day of February, A. D. 1899.

## CHAPTER 44.

**An act to amend section two thousand nine hundred and forty-one of The Code, and to facilitate the restoration to the rights of citizenship in certain cases.**

*The General Assembly of North Carolina do enact :*

SECTION 1. That section two thousand nine hundred and forty-one of The Code be amended by adding thereto the following: *Provided*, that any person who may have been heretofore, or shall hereafter be convicted of any crime whereby the rights of citizenship are forfeited, and the judgment of the court pronounced does not include imprisonment anywhere, and pardon has been granted by the governor, such person may be restored to such forfeited rights of citizenship upon application, by petition, to the judge presiding at any term of the superior court held for the county in which the conviction was had, one year after such conviction.

Code, section 2941, relating to restoration to citizenship. Amended. Proviso.

SEC. 2. The petition shall set out the nature of the crime committed, the time of conviction, the judgment of the court, and that pardon has been granted by the governor, and also, that said crime was committed without felonious intent, and shall be verified by the oath of the applicant and accompanied by the affidavits of ten reputable citizens of the county, who shall state that they are well acquainted with the applicant and that in their opinion the crime was committed without felonious intent.

Petition what to set forth.

Verified by oath of applicant.

SEC. 3. That no notice of the petition in such case shall be nec-

Notice and advertisement not necessary. Heard by judge in term time. Decree—clerk shall spread on minute docket.

essary, and no advertisement thereof be made, but the same shall be heard by the judge, upon its presentation, during a term of court; and if he is satisfied [as] to the truth of the matters set out in the petition and affidavits, he shall decree the applicant's restoration to the last rights of citizenship, and the clerk shall spread the decree upon his minute docket of the proceedings of the term.

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

Ratified the 3d day of February, A. D. 1899.

#### CHAPTER 45.

An act relating to the department of agriculture, and taking from the board of commissioners of said department the power to contract for buildings.

*The General Assembly of North Carolina do enact :*

Commissioners of agriculture, etc., to contract for the erection of buildings or for repair to same.

SECTION 1. That all authority or power heretofore conferred upon the department of agriculture, or upon the commissioners of the board of agriculture, or upon the executive committee of said board, or upon any person acting for and in behalf of said board to contract for the erection of buildings, or for the repair of the same, or for any additions thereto, be and the same is hereby withdrawn and repealed, and all contracts made with them after the passage of this act shall be void.

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

Ratified the 8th day of February, A. D. 1899.

#### CHAPTER 46.

An act to prohibit hunting on any lands in Gaston and Catawba counties except by consent of owner.

*The General Assembly of North Carolina do enact :*

Hunting forbidden—Gaston and Catawba counties.

SECTION 1. That it shall be unlawful for any person to hunt upon the lands of another in Gaston and Catawba counties, with or without gun or dogs, except by consent of the owner.

Misdemeanor.

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 April the first, eighteen hundred and ninety-nine.

Ratified the 8th day of February, A. D. 1899.

## CHAPTER 47.

## An act to prevent the spreading of disease among hogs and fowls in Edgecombe and Gates counties.

*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any person or persons within the limits of Edgecombe or Gates counties owning hogs or fowls that have cholera or other infectious disease, to permit the same to run at large. Diseased hogs and fowls forbidden to run at large.

SEC. 2. That the owner of hogs or fowls that die with cholera or other infectious disease, shall bury at least three feet under the soil or burn or have buried or burnt, said hogs or fowls at once. Owners must bury or burn carcasses of diseased hogs or fowls.

SEC. 3. That any one violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction be fined not less than five dollars (\$5), nor more than ten dollars (\$10), or imprisoned for not more than thirty days for each offense. Misdemeanor.

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

Ratified the 8th day of February, A. D. 1899.

## CHAPTER 48.

## An act to incorporate the East Tennessee and Western North Carolina Railroad Company.

*The General Assembly of North Carolina do enact :*

SECTION 1. That R. F. Hoke, J. S. Wise, C. H. Minson, John Ward, R. S. Reinhardt and Van Wyck Hoke, and their successors, associates and assigns, be and they are hereby constituted and created a body politic and corporate by the name of the East Tennessee and Western North Carolina Railroad Company, and as such shall have the powers herein granted in perpetuity. That said company may, by that name, sue and be sued and plead and be impleaded in any court in this state; and the said company shall have power and authority to make by-laws and regulations for its government and management, to elect or appoint all necessary officers, and prescribe their powers and duties, and to have and use a common seal, which it may change or alter at pleasure. To acquire by purchase, lease or otherwise, and to hold, own, possess, mortgage, lease and sell or otherwise transfer such real, personal and mixed property as may be necessary or convenient to carry out the purposes of this charter, and to have Body politic, etc.

Name.

Powers in perpetuity.

By-laws, etc.

Appointment of officers, etc.

May acquire property.

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.

Powers, etc.  
Authority to  
build, operate,  
etc., railroad,  
where.

SEC. 2. That the said company be and is hereby authorized and empowered to build, construct, maintain and operate a railroad, with one or more tracks, from some point on the Tennessee line near Cranberry in the county of Mitchell, North Carolina, to be selected by the president and directors of said company, through the counties of Mitchell, Caldwell, Burke, Catawba and Lincoln, to the line of the Carolina Central Railroad, at or near Lincolnton.

Capital stock.

SEC. 3. That the capital stock of said company shall be five thousand (\$5,000), dollars and the same may be increased from time to time as the majority of the stockholders may determine, up to five hundred thousand (\$500,000) dollars. That the stock of said company shall be in shares of one hundred (\$100) dollars each, for which certificates shall be issued, and each share shall be entitled to one vote, and the stockholders shall not be individually liable for anything beyond the amount of their said subscription to the said capital stock. That books of subscription

Shares—vote.

Stockholders—  
liability.

Stock books to be  
opened.

shall be opened by the corporators, or a majority of them, at such times and places, and under such rules and regulations as they, or a majority of them, at such times and places, and under such rules and regulations as they or a majority of them may prescribe. That the said corporators, or a majority of them, acting in person or by proxy, after the sum of five thousand dollars has been subscribed, shall call a meeting of the subscribers to the said capital stock, for the purpose of completing the organization of the company, giving ten days' notice thereof in some paper published in the county of Mitchell or Lincoln; that at such meeting the stockholders shall elect a board of directors consisting of seven members, who shall immediately elect one of their number president of the company.

Organization—  
notice.

Directors.

Subscriptions, in  
what made.

SEC. 4. That subscriptions to the capital stock of said company may be made in money, land, labor or material necessary for the construction or equipment of said road, in bonds, stocks or other valuable credits, in such manner and on such terms as may be agreed upon by the president and directors of said company.

Consolidation.

SEC. 5. That said company is hereby authorized and empowered to merge and consolidate its capital stock, estate, real, personal and mixed, franchises, rights, privileges and property with those of any other railroad company or companies chartered by and organized under the laws of this state or any other state or states, whenever a majority of the stockholders of this company shall so desire, when the two or more railroads so to be merged and consolidated shall and may form a continuous line of railroad with each other, or by means of intervening road or roads; and

said consolidation may be effected by its directors in such manner and on such terms and conditions and under such name and style as a majority of the stockholders may determine or approve, and the number of the directors of the said consolidated corporation shall consist of not less than seven persons. That said directors, or a majority of them, shall elect a president, and shall appoint such officers as may be deemed necessary; shall establish a common seal and do such other acts as may be necessary for the conduct of a corporation so formed; and the said directors or a majority of them may establish the principal office of said consolidated company at such place, on the line of the consolidated company, as they may deem best: *Provided*, that the said consolidated company maintains in this state an office or offices and agent or agents, upon whom process may be served; *Provided further*, that such consolidated corporation or corporations shall be subject to the laws of the state of North Carolina having the privileges and subject to the liabilities granted and imposed by the laws of North Carolina, and such consolidated corporation shall be a domestic corporation of the state of North Carolina.

SEC. 6. That it shall and may be lawful for any railroad or transportation company created by the laws of this or any other state from time to time to subscribe for, purchase or hold the stock and bonds, or either, of this company, or to guarantee or endorse such bonds or stock or either of them; and it shall and may be lawful for any railroad or transportation company or companies created by the laws of this or any other state, to purchase, use or lease the road, property and franchises of this company for such time and upon such terms as may be agreed upon between this company and such company or companies as shall be parties to the contract. That it shall be lawful for this company to subscribe to or purchase and to hold the stock or bonds, or both, of any other railroad or transportation company chartered by this or any other state, or to guarantee the stock or bonds of any such company, or to purchase, lease or operate the road or line, property or franchise of any such railroad or transportation company: *Provided*, that the road or line of such company shall directly or by means of one or more intervening roads or lines, be connected with the road of this company.

SEC. 7. That meetings of stockholders shall be held annually at such time and place, either in this or another state, as may be determined by them, and at all annual meetings the president and directors shall render to the stockholders an account of the affairs of the company. Special meetings of the stockholders may be called by the president, or by a majority of the directors, by notice mailed to each stockholder, or by publication in one or

Directors in consolidation.

President.

Common seal.

Principal office.

Proviso.

Proviso.

Domestic corporation.

Other companies may subscribe stock.

Other companies may purchase, use, etc.

May subscribe to stock of other companies.

May purchase, lease or operate other roads.

Proviso.

Meetings of stockholders.

President and directors to account to stockholders. Special meetings.

more newspapers in this state thirty days before said meeting, and notices of annual meetings shall be likewise published.

Vice-president, treasurer, etc., by whom appointed.

SEC. 8. That the president and board of directors of this company shall have the power of appointing a vice-president, treasurer, and such other officers and agents as may be necessary for conducting the construction and management of the railroad authorized by this act. The directors shall be elected annually by the stockholders, and shall remain in office one year, or until their successors are elected; and in case of vacancies occurring by death or resignation in the office of director, the same may be filled by the directors until the next meeting of the stockholders.

Directors—election—term of office.

Expenditures, debts, etc.

SEC. 9. The president and directors of said company, under authority from the stockholders, shall have power to make such expenditures and contract such debts as may be necessary for the construction and operation of the railroad authorized by this act.

May borrow money.

SEC. 10. That authority is given to the said company to borrow money to such extent and in such manner as may be authorized by its stockholders, and to pay thereon such rates of interest, not exceeding six per cent, as may be deemed advisable, and to issue therefor such bonds, either coupon or registered, or other evidences of debts, in such manner and of such form as may be determined by the president and directors; and to secure such loans, both as to principal and interest, by such mortgages or deeds of trust on the whole of the property, income or franchises of the company, or either or any part thereof.

Interest.

Bonds.

Security.

Benefits and restrictions.

SEC. 11. That this company shall enjoy the benefits and be subject to the provisions of sections one thousand nine hundred and forty-three to one thousand nine hundred and fifty-one, inclusive, of chapter forty-nine of The Code of North Carolina, in respect to the acquisition of land by condemnation.

SEC. 12. That this act shall go into effect from and after its ratification.

Ratified the 8th day of February, A. D. 1899.

CHAPTER 49.

An act to amend chapter one hundred and five of public laws of eighteen hundred and ninety-five.

*The General Assembly of North Carolina do enact :*

Relating to trial of title to office.

SECTION 1. That chapter one hundred and five, public laws of eighteen hundred and ninety-five, be and the same is hereby amended as follows: Strike out section two and put "two" in place of "three" in section three, and add to section one the following: At any time after a duly verified complaint is filed alleg-

ing facts sufficient to entitle plaintiff to the office, whether such complaint is filed at the beginning of the action or later, the plaintiff may, upon ten days' notice to the defendant or his attorney of record, move before the resident judge or the judge riding the district at chambers, to require the defendant to give said undertaking; and it shall be the duty of the judge to require the defendant to give such undertaking within ten days, and if the undertaking shall not be so given, the judge shall render judgment in favor of plaintiff and against defendant for the recovery of the office and the costs, and a judgment by default and inquiry to be executed at term for damages, including loss of fees and salary. Upon the filing of said judgment for the recovery of such office with the clerk, it shall be the duty of the clerk to issue and the sheriff to serve the necessary process to put plaintiff into possession of the office. In case defendant shall give the undertaking, the court, if judgment is rendered for plaintiff, shall render judgment against the defendant and his sureties for costs and damages, including loss of fees and salary: *Provided*, that nothing herein shall prevent the judge's extending, for cause, the time in which to give the undertaking.

Plaintiff may move.

Duty of judge.

Judgment by default and inquiry at term for damages, etc.

Judgment.

Proviso.

SEC. 2. This act shall be in force from and after its ratification, Ratified the 8th day of February, A. D. 1899.

## CHAPTER 50.

### An act to validate certain oaths.

*The General Assembly of North Carolina do enact:*

SECTION 1. That all oaths and affidavits heretofore administered by authorized officers to persons with uplifted hands be and the same are hereby validated and made as legal and binding as if administered to persons laying hands on and kissing the Holy Evangelists of Almighty God, whether said oaths and affidavits were made by persons conscientiously scrupulous of taking a "book-oath" or not, and whether such oaths and affidavits were made in other respects in strict compliance with [section] three thousand three hundred and ten of The Code or not: *Provided*, that this act shall not affect the rights of the parties in actions now pending nor in any manner affect prosecutions for perjury claimed to have been heretofore committed.

Validation of certain oaths.

Proviso.

SEC. 2. This act shall be in force from and after its ratification, Ratified the 8th day of February, A. D. 1899.

## CHAPTER 51.

An act supplemental to an "Act to incorporate the State's Prison, and provide for the government thereof," ratified the twenty-sixth day of January, eighteen hundred and ninety-nine.

*The General Assembly of North Carolina do enact:*

Board of directors of State's Prison may meet anywhere in Raleigh.

SECTION 1. That if for any cause the board of directors of the State's Prison find it impracticable to meet in the penitentiary or State's Prison on February ten, eighteen hundred and ninety-nine, as directed by the provisions of an act, entitled "An act to incorporate the State's Prison of North Carolina, and provide for the government thereof," ratified the twenty-sixth day of January, eighteen hundred and ninety-nine, then, and in that event the said board of directors may meet on said tenth day of February, eighteen hundred and ninety-nine, at any place in the city of Raleigh which they may select.

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

Ratified the 8th day of February, A. D. 1899.

## CHAPTER 52.

An act to amend chapter thirty-five of the public laws of the general assembly of eighteen hundred and ninety-seven, entitled "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:*

Chapter 35, laws 1897, amendatory of section 2202, Code. Amended.

SECTION 1. That chapter thirty five of the public laws of eighteen hundred and ninety-seven be amended as follows: Strike out in line four (4), section one, the word "now" and substitute therefor "non."

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

Ratified the 8th day of February, A. D. 1899.

## CHAPTER 53.

An act to repeal chapter five hundred and ten of the public laws of eighteen hundred and ninety-seven.

*The General Assembly of North Carolina do enact:*

Laws relating to state board of equalization repealed.

SECTION 1. That chapter five hundred and ten (510) of the public laws of eighteen hundred and ninety-seven (1897) be and the same is hereby repealed.

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

Ratified the 8th day of February, A. D. 1899.

## CHAPTER 54.

## An act to regulate fire insurance and other companies.

*The General Assembly of North Carolina do enact :*

SECTION 1. This act may be cited as the North Carolina insurance act of eighteen hundred and ninety-nine. When consistent with the context and not obviously used in a different sense, the term "company" or "insurance company," as used herein, includes all corporations, associations, partnerships, or individuals engaged as principals in the business of insurance; the word "domestic" designates those companies incorporated or formed in this state and with home offices therein; and the word "foreign," when used without limitation, includes all those formed by authority of any other state or government, and whose home office is not located in this state.

Title of act.

Use of terms.

Domestic and foreign as applied to companies defined.

SEC. 2. A contract of insurance is an agreement by which one party for a consideration promises to pay money or its equivalent or to do some act of value to the assured upon the destruction, loss or injury of something in which the other party has an interest as an indemnity therefor; and it shall be unlawful for any company to make any contract of insurance upon or concerning any property or interest or lives in this state, or with any resident thereof, or for any person as insurance agent or insurance broker to make, negotiate, solicit or in any manner aid in the transaction of such insurance, unless and except as authorized under the provisions of this act. All contracts of insurance on property, lives or interests in this state shall be deemed to be made therein.

Contract of insurance.

## INSURANCE DEPARTMENT AND COMMISSIONER

SEC. 3. There is hereby established a separate and distinct department, which shall be charged with the execution of laws passed in relation to insurance and other subjects placed under this department. The chief officer of said department shall be denominated the insurance commissioner. He shall be paid an annual salary of two thousand dollars, to be paid in monthly installments, which salary shall be in full for all services performed by said commissioner in any capacity, and all fees and moneys collected by him shall be paid into the state treasury monthly.

Department of insurance established.

Official title of chief officer.

SEC. 4. The insurance commissioner shall be elected by the legislature at its present session, and shall hold office until the first day of March, nineteen hundred and one, and until his successor is appointed. In January, nineteen hundred and one the governor by and with the consent of the senate shall appoint a

Insurance commissioner, how elected.  
Term of office.

Vacancies occurring.

commissioner, whose term of office shall be for four years. Should a vacancy occur the governor shall appoint a person to serve for the unexpired term.

Commissioner shall take oath and give bond.

SEC. 5. Every person elected or appointed as insurance commissioner shall, before entering upon or continuing to discharge the duties of the office, take an oath of office and give a bond to the state for ten thousand dollars, with sufficient surety, to be approved by the state treasurer, conditioned for the faithful performance of the duties of said office during the term of said appointment or election.

Commissioner shall submit annual report to governor.

SEC. 6. The commissioner shall annually submit to the governor a report of his official acts, and of the condition of all insurance and other companies, associations or orders under his department, doing business in this state, with a condensed statement of their reports made to him, arranged in proper form for printing, together with a statement of the licenses, taxes and fees received by him from such companies and paid by him to the treasurer; and he shall biennially submit to the general assembly, through the governor, such annual reports and statements.

Biennial reports to legislature.

Commissioner shall report changes deemed advisable in insurance laws.

SEC. 7. It shall be the duty of the insurance commissioner from time to time to report to the general assembly any change which in his opinion should be made in the laws relating to insurance and other subjects appertaining to his department.

Clerical aid to commissioner.

SEC. 8. The insurance commissioner shall see that all laws relating to the companies, associations and orders under the insurance department are faithfully executed; he may employ in his department such clerical aid as he may deem necessary at an expense per annum of not exceeding one thousand dollars. He shall furnish to each of the companies incorporated by this state, and to the attorneys or general agents of companies and associations incorporated by other states, and foreign governments, doing business in this state, printed forms for all statements required by law. He shall, on or before the fifth day of each month, pay over all taxes, licenses and fees which he may have received during the previous month to the state treasurer. He shall perform all the duties now imposed upon the secretary of state, the auditor and state treasurer in regard to the examination, supervision and conduct of these companies and associations or orders. Said insurance commissioner may administer oaths in the discharge of his official duty.

Shall furnish printed forms.

Shall pay over moneys received to state treasurer.

Reports shall be kept on file for public inspection.

SEC. 9. The insurance commissioner shall keep on file in his office, for the inspection of the public, all the reports received by him in obedience to this act. He shall keep and preserve in a permanent form a record of his proceedings, including a concise statement of the result of all official examinations of companies; a report of the condition of receiverships of insolvent companies; an exhibit of the financial condition and business methods as dis-

closed by the official examinations of the same, or by their several statements; and such other information and comments in relation to insurance and the public interest therein as he may deem fit and proper to preserve.

SEC. 10. The insurance commissioner shall possess all the powers, perform all the duties and be subject to all the penalties and obligations now conferred by law upon the secretary of state or to which the secretary of state is subject in relation to insurance companies and the formation thereof under the laws relating thereto, so that every power and duty thereby conferred on the secretary of state shall, from and after the appointment of such commissioner, be transferred to and conferred upon the said commissioner. The commissioner shall be required to report the whole amount of expenses of the department during the year; such report shall be made by or before the first day of February and five hundred copies for the use of the commissioner and two hundred copies for the use of the legislature shall be printed by the printer employed to print legislative documents.

Powers of commissioner.

Report of expenses.

SEC. 11. The said commissioner, with the approval of the governor, shall devise a seal, with suitable inscription, for his office, a description of which, with certificate of approval by the governor, shall be filed in the office of the secretary of state, with an impression thereof, which seal shall thereupon be and become the seal of office of the commissioner of the insurance department, and the same may be renewed whenever necessary. Every certificate, assignment or conveyance executed by the said commissioner, in pursuance of any authority conferred on him by law and sealed with his said seal of office, shall be received as evidence and may be recorded in the proper recording offices, in the same manner and with like effect as a deed regularly acknowledged or proved before an officer authorized by law to take the proof of acknowledgment of deed, and all copies of papers in the office of the said commissioner, certified by him and authenticated by the said seal, shall in all cases be evidence equally and in like manner as the original.

Seal.

Seal of office.

Papers with seal received as evidence.

SEC. 12. All books, papers and documents, securities, stocks, bonds and mortgages, and all other papers whatever in the office of the treasurer or auditor and in the office of the secretary of state, relating to the business of insurance, shall, on demand, be delivered and transferred to the insurance commissioner, and be and remain in his charge and custody.

Certain books ordered delivered to said commissioner.

SEC. 13. Before granting certificates of authority to an insurance company to issue policies or make contracts of insurance he shall be satisfied, by such examination and evidence as he sees fit to make and require, that such company is otherwise duly qualified under the laws of the state to transact business therein.

Certain examination ordered made before granting certificates of authority to companies to do business.

Shall visit domestic companies.

Empowered to visit and examine condition of foreign companies.

Shall have access to books.

When commissioner may revoke or suspend certificates of companies.

Notification of suspension shall be published.

May apply for injunctions.

As often as once in three years he shall personally or by his deputy visit each domestic insurance company and thoroughly inspect and examine its affairs, especially as to its financial condition and ability to fulfill its obligations and whether it has complied with the laws. He shall also make an examination of any such company whenever he deems it prudent to do so, or upon the request of five or more of the stockholders, creditors, policy-holders or persons pecuniarily interested therein, who shall make affidavit of their belief, with specifications of their reasons therefor, that such company is in an unsound condition. Whenever he deems it prudent for the protection of policy-holders in this state he shall in like manner visit and examine or cause to be visited and examined by some competent person or persons he may appoint for that purpose, any foreign insurance company applying for admission or already admitted to do business by agencies in this state, and such company shall pay the proper charges incurred in such examination, including the expenses of the commissioner or his deputy and the expenses and compensation of his assistants employed therein. For the purposes aforesaid the commissioner or his deputy or persons making the examination shall have free access to all the books and papers of the insurance company that relate to its business, and to the books and papers kept by any of its agents, and may summon and qualify as witnesses under oath and examine the directors, officers, agents and trustees of any such company and any other persons, in relation to its affairs, transactions, and condition.

SEC. 14. If he is of opinion upon examination or other evidence that a foreign insurance company is in an unsound condition, or if a life insurance company, that its actual funds, exclusive of its capital, are less than its liabilities; or if a foreign insurance company, that it has failed to comply with the law, or if it, its officers or agents refuse to submit to examination or to perform any legal obligation in relation thereto, he shall revoke or suspend all certificates of authority granted to it or its agents, and shall cause notifications thereof to be published in one or more newspapers published in this state, and no new business shall thereafter be done by it or its agents in this state while such default or disability continues nor until its authority to do business is restored by the commissioner. If, upon examination, he is of opinion that any domestic insurance company is insolvent, or has exceeded its powers or has failed to comply with any provision of law, or that its condition is such as to render its further proceeding hazardous to the public or to its policy-holders, he shall revoke its license, and if he deems it necessary he shall apply to a judge of the superior court to issue an injunction restraining it in whole or in part from further proceeding with its business.

Such judge may in his discretion issue the injunction forthwith, or upon notice and hearing thereon, and after a full hearing of the matter may dissolve or modify such injunction or make it permanent, and may make all orders and decrees needful in the premises, and may appoint agents or receiver to take possession of the property and effects of the company and to settle its affairs, subject to such rules and orders as the court may from time to time prescribe, according to the course of proceedings in equity.

SEC. 15. He shall, upon application, examine the proceedings of domestic companies to increase or reduce their capital stock, and when found conformable to law, shall endorse certificates thereof, and shall issue certificates of authority to such companies to transact business upon such increase or reduced capital. He shall not allow stockholders' obligations of any description as part of the assets or capital of any stock insurance company which may hereafter be organized, unless the same are secured by a competent collateral.

Shall examine proceedings of domestic companies desiring to increase or decrease stock.

SEC. 16. When legal process is served upon him as attorney for a foreign company, under the provisions of section sixty-two, he shall forthwith notify the company of such service by letter prepaid and directed to its secretary, or in the case of a foreign country, to its resident manager, if any, in the United States; and shall within two days after such service forward in the same manner a copy of the process served on him to such secretary or manager, or to such other person as may have been previously designated by the company by written notice filed in the office of the commissioner. As a condition of a valid and effectual service and of the duty of the commissioner in the premises, the plaintiff in such process shall pay to the insurance commissioner at the time of service thereof the sum of two dollars, which the said plaintiff shall recover as taxable costs if he prevails in his suit. The insurance commissioner shall keep a record of all such proceedings which shall show the day and hour of service.

When legal process is served upon him as attorney for foreign company

Plaintiff shall pay taxable costs at time of service.

#### GENERAL DEPOSITS WITH THE STATE TREASURER.

SEC. 17. The treasurer of the state in his official capacity shall take and hold in trust deposits made by any domestic insurance company for the purpose of complying with the laws of any other state to enable such company to do business in such state. The company making such a deposit shall be entitled to the income thereof, and may from time to time with the consent of the treasurer, when not forbidden by the law under which the deposit is made, change in whole or in part the securities which compose the deposit for other competent securities of equal par value. Upon request of any domestic insurance company the said treas-

Treasurer shall hold in trust deposits made by domestic companies to do business in other states.

Treasurer may return deposit on request of companies.

May return deposit made by foreign company.

Companies may bring suit in superior court to terminate trust.

Process served on treasurer.

Insurance companies shall do business in corporate name.

Publication of assets.

Insurance companies of this state, how governed.

When limitation of charter expires shall continue bodies corporate.

urer may return to such companies the whole or any portion of the securities of such company held by him on deposit, when he shall be satisfied that the securities so asked to be returned are subject to no liability and not required to be longer held by any provision of law or purpose of the original deposit. And he may return to the trustees or other representatives authorized for that purpose of a foreign insurance company, any deposit made by such company when it shall appear that such company has ceased to do business in the state and is under no obligation to policyholders or other persons in the state for whose benefit such deposit was made. An insurance company which has made such deposit, or its trustees or resident managers in the United States, or the insurance commissioner, or any creditor of such company, may at any time bring in the superior court for the county of Wake a suit in equity against the state and other parties properly [properly] joined therein, to enforce, administer or terminate the trust created by such deposit. The process in such suit shall be served on the treasurer of the state, who shall appear and answer in its behalf and perform such orders and decrees as the court may make thereupon.

SEC. 18. Every insurance company, foreign or domestic, shall conduct its business in the state in its own proper and corporate name, and the policies and contracts of insurance issued by it shall be headed or entitled only by its proper or corporate name. When any such company publishes its assets it shall in the same connection and with equal conspicuousness publish its liabilities computed on the basis allowed for its annual statements, and any publications purporting to show its capital shall exhibit only the amount of such capital as has been actually paid in cash.

NORTH CAROLINA OR "DOMESTIC COMPANIES," ORGANIZATIONS, ETC.

SEC. 19. The general provisions of law relative to the powers, duties and liabilities of corporations shall apply to all incorporated domestic insurance companies, so far as such provisions are pertinent and not in conflict with other provisions of law relative to such companies or with their charters. All insurance companies of this state may be governed by this act, anything in their special charters to the contrary notwithstanding, providing notice of the acceptance of said act is filed with the insurance commissioner.

SEC. 20. Domestic insurance companies incorporated by special acts, whose charters are subject to limitation of time, shall after such limitation expires continue to be bodies corporate, subject to all general laws applicable to such companies.

SEC. 21. No domestic insurance company shall issue policies

until upon examination of the insurance commissioner, his deputy or examiner, it is found to have complied with the laws of the state, nor until it has obtained from the insurance commissioner a certificate setting forth that fact and authorizing it to issue policies.

Companies shall not issue policies until having complied with laws of the state.

SEC. 22. Any such company may adopt by-laws for the conduct of its business not repugnant to law or to its charter, and therein provide for the division of its board of directors into two, three or four classes, and the election thereof at its annual meetings in such manner as that the members of one class only shall retire and their successors be chosen each year. Vacancies in any such class may be filled by election by the board for the unexpired term. Any such company may acquire and hold real estate for the convenient accommodation of its business at a cost not exceeding twenty-five per centum of its cash assets, and not otherwise, but may hold real estate under the conditions of any mortgage owned by it, or by purchase or set-off on execution, upon judgment for debts due it in the course of its legitimate business:

Companies may adopt by-laws, etc.

*Provided*, that this shall not apply to any company which has already made investments in real estate in excess of the provisions of this section.

Vacancies in classes.

May acquire real estate.

SEC. 23. No such company shall make any condition or stipulation in its insurance contracts concerning the court or jurisdiction wherein any suit thereon may be brought, nor shall they limit the time within which such suit may be commenced to less than one year after the cause of action accrues, and any such condition or stipulation shall be void.

Proviso.

Shall not apply to certain companies.

Relating to suits with or by such company.

#### ORGANIZATION OF INSURANCE COMPANIES.

SEC. 24. Insurance companies may be formed as provided in section twenty-five for any one of the following purposes, to wit:

How companies may be formed.

First. To insure against loss or damage to property by fire, lightning or tornado, use and occupancy, and for non-occupancy, upon the stock or mutual plan.

To insure against loss or damage.

Second. To insure upon the stock or mutual plan, vessels, freights, goods, money, effects, and money lent on bottomry or respondentia against the perils of the sea and other perils usually insured against by marine insurance, including risks of inland navigation and transportation.

To insure upon the loss or mutual plan, etc.

Third. To guarantee the fidelity of persons in positions of trust, private or public, and to act as surety on official bonds and for the performance of other obligations.

Bond and trust companies.

Fourth. To insure against loss or damage to property of the assured, or loss or damage to the life, person or property of another for which the assured is liable, caused by the explosion of steam boilers.

Insurance against loss by steam boilers.

Insurance against bodily injury.	Fifth. To insure any person against bodily injury or death by accident, or any person, firm or corporation against loss or damage on account of the bodily injury or death by accident of any person, for which loss or damage said person, firm or corporation is responsible.
Breakage of plate glass, etc.	Sixth. To insure against the breakage of plate glass, local or in transit.
Damage by water.	Seventh. To insure against loss or damage by water to any goods or premises arising or leakage of sprinklers and water pipes.
Accidents from elevators, etc.	Eighth. To insure against loss or damage to property arising from accidents to elevators, bicycles and vehicles, except rolling stock of railways.
Credit insurance.	Ninth. To carry on the business commonly known as credit insurance or guaranty, either by agreeing to purchase uncollectible debts or otherwise to insure against loss or damage from the failure of persons indebted to the assured to meet their liabilities.
Insurance by fire companies, subject insurable.	All insurance companies authorized to transact fire insurance business in this state may, in addition to the business which they are now authorized by law to do, insure sprinklers, pumps and other apparatus erected or put in position for the purpose of extinguishing fires, against damage, loss or injury resulting from accidental causes other than fire; and also insure any property which such companies are authorized to insure against loss or damage by fire, against damage, loss or injury by water or otherwise, resulting from the accidental breaking off or injury to such sprinklers, pumps or other apparatus, arising from causes other than fire. Contracts of insurance of this kind, provided for in this paragraph, shall not be incorporated in any contract of insurance against loss or damage by fire, but shall be contained in separate and distinct policies, the conditions of which shall be prescribed by the insurance commissioner for the state.
Contracts of this nature may not be incorporated in certain instruments.	
Procedure for incorporation.	SEC. 25. The procedure for organizing such a corporation shall be as follows: The proposed incorporators, a majority of whom must be residents of the state and not less than ten, shall subscribe articles of association setting forth their intention to form a corporation: its proposed name, which must not so closely resemble the name of an existing corporation doing business under the laws of this state as to be likely to mislead the public, and must be approved by the insurance commissioner: the class of insurance it proposes to transact and on what business plan or principle: the place within the state of its location, and, if on the stock plan, the amount of its capital stock. The words "insurance company" must be a part of the title of any such corporation, and also the word "mutual," if it is organized upon the mutual principle. The first meeting for the purpose of organization
Number of incorporators necessary.	
Name.	
Class of insurance.	
Place of location.	
Title of company.	

shall be called by a notice signed by one or more of the subscribers to the articles of the association, stating the time, place and purpose of the meeting, a copy whereof shall, seven days at least before the appointed time, be given to each subscriber, or left at his usual place of business or residence, or duly mailed to his post office address. And whoever gives such notice shall make affidavit thereof, which shall include a copy of the notice and be entered upon the records of the corporation. At such first meeting, including any adjournment thereof, an organization shall be effected by the choice of a temporary clerk, who shall be sworn, by the adoption of by-laws and by the election of directors and such other officers as the by-laws may require; but at such first meeting no person shall be elected director who has not signed the articles of association. The temporary clerk shall record the proceedings until and including the choice and qualification of the secretary. The directors so chosen shall elect a president, secretary and other officers which under the by-laws they are so authorized to choose. The president, secretary and a majority of the directors, shall forthwith make, sign and swear to a certificate setting forth a copy of the articles of association, with the names of the subscribers thereto, the date of the first meetings and of any adjournments thereof, and shall submit such certificate and the records of the corporation to the insurance commissioner, who shall examine the same, and who may require such other evidence as he may deem necessary. The insurance commissioner, if it appears that the requirements of the law as herein have been complied with, shall certify the fact and his approval of the certificate, by endorsement thereon. Such certificate shall thereupon be filed by said officers in the office of the secretary of state, who, upon payment of a fee of twenty-five dollars, shall cause the certificate with the endorsement thereon to be recorded, and shall issue a certificate in the following form:

State of North Carolina.

Be it know that whereas (here the names of the subscribers to the articles of association shall be inserted) have associated themselves with the intention of forming a corporation under the name of (here the name of the corporation shall be inserted), for the purpose (here the purpose declared in the articles of association shall be inserted), with a capital (or with a permanent fund) of (here the amount of capital or permanent fund fixed in the articles of association shall be inserted) and have complied with the provisions of the statute of this state in such case made and provided, as appears from the certificate of the president, secretary and directors of said corporation, duly approved by the insurance commissioner and recorded in this office: Now, therefore, I,

First meeting.

Affidavit shall be made of notice.

Organization shall be effected at said meeting.

Election of officers by directors.

Articles of association shall be submitted.

Certificate shall be filed.

Form of certificate.

(here the name of the secretary shall be inserted), secretary of the state of North Carolina, do hereby certify that said (here the names of the subscribers to the articles of association shall be inserted), their associates and successors, are legally organized and established as, and are hereby made an existing corporation under the name of (here the name of the corporation be inserted), with the powers, rights and privileges and subject to the duties, liabilities and restrictions which by law appertain thereto.

Witness my official signature hereunto subscribed, and the seal of the state of North Carolina hereunto affixed this the \_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_ (in these blanks the day, month and year of execution of this certificate shall be inserted; and in the case of purely mutual companies, so much as relates to capital stock shall be omitted).

Secretary shall sign same.

The secretary shall sign the same and cause the seal of the state to be thereto affixed, and such certificate shall have the force and effect of a special charter and be conclusive evidence of the organization and establishment of such corporation. He shall also cause a record of such certificate to be made, and a certified copy of such record may be given in evidence with the like effect as the original certificate.

#### AMOUNT OF CAPITAL.

Plate glass risks.

SEC. 26. No corporation so formed shall transact any other business than that specified in its charter and articles of association. Companies to insure plate glass may organize with a capital of not less than ten thousand dollars. Companies so formed insuring marine risks or inland risks upon the stock plan shall have a capital of not less than twenty-five thousand dollars. Companies for the purpose of transacting fire insurance on the stock plan, of fidelity insurance, of accident insurance, of steam boiler insurance, or for the transaction of the business authorized under the seventh, eighth and ninth paragraph of section twenty-four of this act, shall have a capital of not less than fifty thousand dollars. Companies may be so formed to insure mechanics' tools and apparatus against loss by fire for an amount not exceeding two hundred and fifty dollars in a single risk, with a capital of not less than ten thousand dollars, divided into shares of the par value of ten dollars each.

Marine or inland risks.

Accident risks.  
Insurance of mechanics' tools, etc.

#### PAYMENT AND INVESTMENT OF CAPITAL.

When capital stock shall be paid.

SEC. 27. The capital stock shall be paid in cash within twelve months from date of charter or certificate of organization, and no certificate of full shares and no policies shall be issued until the whole capital is paid in. A majority of the directors shall certify

on oath that the money has been paid by the stockholders for their respective shares and the same is held as the capital of the company invested or to be invested as required by this section. Such capital shall be invested only as follows:

Directors shall certify that money has been paid.

First. In first mortgages of real estate in this state.

How capital stock may be invested. In real estate mortgages. Bonds.

Second. In bonds of the United States or of any of the states whose bonds do not sell for less than par.

Municipal bonds.

Third. In the bonds or notes of any city, county or town of this state whose net indebtedness does not exceed five per cent of the last preceding valuation of the property therein for purposes of taxation. The term "net indebtedness" excludes any debt created to provide a supply of water for general domestic use, and allows credit for the sinking fund of a county, city, town or district, available for the payment of its indebtedness.

Term "net indebtedness."

IMPAIRMENT, INCREASE AND REDUCTION OF CAPITAL.

SEC. 28. When the net assets of a company do not amount to more than three-fourths of its original capital, it may make good its capital to the original amount by assessment of its stock. Shares on which such an assessment is not paid within sixty days after demand shall be forfeitable, and may be cancelled by vote of the directors, and new shares issued to make up the deficiency. If such company shall not within three months after notice from the insurance commissioner to that effect make good its capital as aforesaid, or reduce the same as allowed by section ----, its authority to transact new business of insurance shall be revoked by said commissioner.

May make capital good by assessment of stock.

Shares on which assessment is unpaid forfeitable.

Failure to make good capital, forfeiture of charter.

SEC. 29. Any such company may issue pro rata to its stockholders certificates of any portion of its actual net surplus it may deem fit to divide, which shall be deemed to be an increase of its capital to the amount of such certificates. And such company may, at a meeting called for the purpose, vote to increase the amount and number of shares of its capital stock, and to issue certificates thereof when paid in full. In whichever mode the increase is made, the company shall within thirty days after the issue of such certificates, submit to the insurance commissioner a certificate setting forth the amount of the increase and the facts of the transaction, signed and sworn to by its president and secretary and a majority of its directors. If the insurance commissioner finds that the facts conform to the law he shall endorse his approval thereof; and upon filing such certificate so endorsed with the secretary of state, and the payment of a fee of five dollars for filing the same, the company may transact business upon the capital as increased, and the insurance commissioner shall issue his certificate to that effect.

Company may issue pro rata to stockholders portion of net surplus.

May vote to increase capital stock.

Certificate of increase shall be submitted to commissioner.

When commissioner shall approve.

SEC. 30. When the capital stock of a company is impaired, such

When capital stock is impaired amount may be reduced.

Certificate of reduction shall be submitted to commissioner.

Commissioner shall examine facts and endorse.

Fee for filing

Company may require return of original certificates of stock.

Dividends shall only be declared from actual net surplus.

When fire insurance policies may be issued.

President and secretary shall certify to subscription.

company may, upon a vote of the majority of the stock represented at a meeting legally called for that purpose, reduce its capital stock and the number of shares thereof to an amount not less than the minimum sum required by law. But no part of its assets and property shall be distributed to its stockholders. Within ten days after such meeting the company shall submit to the insurance commissioner a certificate setting forth the proceedings thereof and the amount of such reduction and the assets and liabilities of the company, signed and sworn to by its president, secretary and a majority of its directors. The insurance commissioner shall examine the facts in the case, and if the same conform to law and in his judgment the proposed reduction may be made without prejudice to the public, he shall endorse his approval upon the certificate. Upon filing the certificate so endorsed with the secretary of state and paying a fee of five dollars for the filing thereof, the company may transact business upon the basis of such reduced capital as though the same were its original capital, and its charter shall be deemed to be amended to conform thereto, and the insurance commissioner shall issue his certificate to that effect. Such company may by a majority vote of its directors, after such reduction, require the return of the original certificates of stock held by each stockholder in exchange for new certificates it may issue in lieu thereof for such number of shares as each stockholder is entitled to in the proportion that the reduced capital bears to the original capital.

SEC. 31. No stock company shall make a dividend, either in cash or stock certificate, except from its actual net surplus computed as required by law in its annual statements, nor shall any company which has ceased to do new business of insurance divide any portion of its assets, except surplus to its stockholders, until it shall have performed or cancelled its policy obligation.

#### MUTUAL FIRE COMPANIES.

SEC. 32. No policy shall be issued by a purely mutual fire insurance company hereafter organized, nor by a mutual fire insurance company with a guaranty capital of less than fifty thousand dollars, until not less than two hundred thousand dollars of insurance, in not less than two hundred separate risks upon property located in North Carolina, has been subscribed for and entered on its books. But no policy shall be issued under this section until the president and the secretary of the company shall have certified under oath that each and every subscription for insurance in the list presented to the insurance commissioner for approval is genuine and made with an agreement with each and every subscriber for insurance that he will take the policies subscribed for by him within thirty days of the granting of a license

to the company by the insurance commissioner to issue policies. For taking a false oath in respect to such certificates such officers shall be deemed guilty of the crime of perjury, and be subject to the legal penalties therefor. No officer or other person whose duty it is to determine the character of the risks, and upon whose decision the application shall be accepted or rejected by a mutual fire insurance company, shall receive as any part of his compensation a commission upon the premiums, but his compensation shall be a fixed salary and such share in the net profits as the directors may determine. Nor shall such officer or person aforesaid be an employee of any officer or agent of the company.

False oath prosecuted as perjury.

Certain officers who shall not receive commission on premiums.

MEMBERS AND ELECTION.

SEC. 33. Every person insured by a mutual fire insurance company shall be a member while his policy is in force, entitled to one vote for each policy he holds, and shall be notified of the time and place of holding its meetings by a written notice or by an imprint upon the back of each policy, receipt or certificate of renewal, as follows, to-wit:

Person insured, member of company Entitled to vote.

The assured is hereby notified that by virtue of this policy he is a member of the \_\_\_\_\_ insurance company, and that the annual meetings of said company are holden at its home office on the \_\_\_\_ day of \_\_\_\_\_, in each year at \_\_\_\_ o'clock.

Form of notification of meeting.

The blanks shall be duly filled in print, and the same shall be deemed a sufficient notice. A corporation which becomes a member of such company may authorize any person to represent it in such company, and such representative shall have all the rights of an individual member. Any person holding property in trust may insure the same in such company, and as such trustee assume the liability and be entitled to the rights of a member, but shall not be personally liable upon such contract of insurance. Members may vote by proxies, dated and executed within three months, and returned and recorded on the books of the company three days or more before the meeting at which they are to be used: but no person shall be allowed as proxy or otherwise to cast more than twenty votes. Every such company shall elect by ballot a board of not less than seven directors, who shall manage and conduct its business and who shall hold office for one year or for such terms as the by-laws may provide and until their successors are qualified. Two-thirds at least of the directors shall be citizens of the state, and after the first election members only shall be eligible, but no director shall be disqualified from serving the term he was chosen for by reason of the expiration or cancellation of his policy: *Provided*, that in companies with a guaranty capital one-half of the directors shall be chosen by and from the stockholders.

Corporation may be represented by authorized persons.

May vote by proxy.

Election of directors.

Two-thirds of directors shall be citizens of the state.

Proviso. Companies with guaranty capital.

## COMPANIES WITH A GUARANTY CAPITAL.

Minimum and maximum capital.

Stockholders entitled to semi-annual dividend.

Guaranty capital, how applied.

Directors may make capital good by assessments.

Guaranty capital may be retired as permanent fund. Capital may be reduced.

Notice of such action shall be given policy-holders.

Division of assets, by company not doing new business.

SEC. 34. A mutual fire insurance company may be formed as provided in section thirty-two, or a mutual fire insurance company now existing may establish a guaranty capital of not less than twenty-five thousand dollars nor more than two hundred thousand dollars, divided into shares of one hundred dollars each, which shall be invested in the same manner as is provided for the investment of the capital stock of certain insurance companies by section twenty-seven of this act. The stockholders of the guaranty capital of a company shall be entitled to a semi-annual dividend of not more than three and one-half per centum on their respective shares of the net profits or unused premiums left after all expenses, losses and liabilities then incurred, together with the reserve for reinsurance, as provided for, shall be sufficient to pay the same. The guaranty capital shall be applied to the payment of losses only when the company has exhausted its cash in hand, and the invested assets, exclusive of uncollected premiums, and when thus impaired, the directors may make good the whole or any part of it by assessments upon the contingent funds of the company at the date of such impairment. Shareholders and members of such companies shall be subject to the same provisions of law in respect to their right to vote as apply respectively to shareholders in stock companies and policy-holders in purely mutual companies; and such guaranty capital shall be retired when the permanent fund of the company equals two per centum of the amount insured upon all policies in force; and said guaranty capital may be reduced or retired by vote of the policy-holders of the company and the assent of the insurance commissioner: *Provided*, the net assets of the company above its reinsurance reserve and all other claims and obligations, exclusive of guaranty capital, for two years immediately preceding and including the date of its last annual statement, shall not be less than twenty-five per centum of the guaranty capital. Due notice of such proposed action on the part of the company shall be mailed to each policy-holder of the company not less than thirty days before the meeting when such action may be taken and shall also be advertised in two papers of general circulation, approved by the insurance commissioner, not less than three times a week for a period of not less than four weeks before said meeting. No insurance company with a guaranty capital, which has ceased to do new business, shall divide to its stockholders any part of its assets or guaranty capital except income from investments until it shall have performed or cancelled its policy obligations.

## DIVIDENDS AND ASSESSMENTS.

SEC. 35. The directors of any mutual fire insurance company may from time to time by vote fix and determine the amount to be paid as a dividend upon policies expiring during each year. Each policy-holder shall be liable to pay his proportional share of any assessments which may be laid by the company in accordance with law and his contract on account of losses incurred while he was a member: *Provided*, he is notified of such assessments within one year after the expiration of his policy. Any mutual fire insurance company doing business with a fixed annual premium may in its by-laws and policies fix the contingent liability of its members for the payment of losses and expenses not provided for by its cash funds: *Provided*, that such contingent liability of a member shall not be less than a sum equal to five times the cash premiums written in his policy and in addition thereto. The total amount of the liability of the policy-holder shall be plainly and legibly stated upon the back of each policy. Whenever any reduction is made in the contingent liability of members, such reduction shall apply proportionally to all policies in force.

Directors may determine amount of dividend.

Policy-holders liable to pay share of assessment.

Contingent liability of members.

Proviso.

Amount of such liability.

## ASSESSMENTS.

SEC. 36. Whenever a mutual fire insurance company is not possessed of cash funds above its reinsurance reserve sufficient for the payment of insured losses and expenses, it shall make an assessment for the amount needed to pay such losses and expenses upon its members liable to assessment therefor in proportion to their several liability. The company shall cause to be recorded in a book kept for that purpose the order for such assessment, together with a statement which shall set forth the condition of the company at the date of the order, the amount of its cash assets and of its deposit, notes or other contingent funds liable to the assessment, the amount the assessment calls for and the particular losses or liabilities it is made to provide for. Such record shall be made and signed by the directors who voted for the order before any part of the assessment is collected, and any person liable to the assessment may inspect and take a copy of the same.

When assessments shall be made.

Condition of company at date of order shall be recorded.

Order, how signed.

SEC. 37. When by reason of depreciation or loss of its funds or otherwise the cash assets of such a company, after providing for its other debts, are less than the required premium reserve upon its policies, it shall make good the deficiency by assessment in the mode provided in the preceding section; and if the directors are of the opinion that the company is liable to become insolvent they may, instead of such assessment, make two assessments; the first determining what each policy-holder must equitably pay or

When cash assets less than required premium, assessment shall be made.

receive in case of withdrawal from the company and having his policy cancelled; the second, what further sum each must pay in order to reinsure the unexpired term of his policy at the same rate as the whole was insured at first. Each policy-holder shall pay or receive according to the first assessment, and his policy shall be cancelled unless he pays the sum further determined by the second assessment, in which case his policy shall continue in force; but in neither case shall a policy-holder receive or have credited to him more than he would have received on having his policy cancelled by vote of the directors under the by-laws.

Policy shall be cancelled unless holder pays assessment.

#### REAL ESTATE TITLE INSURANCE.

Capital stock.

Examining titles to real estate.

Such company shall file certified copy with insurance commissioner.

Shall file annual statement.

Insurance commissioner empowered to visit and examine such corporations.

SEC. 38. Companies may be formed in the manner provided in this chapter, with a capital of not less than fifty thousand dollars nor more than two hundred and fifty thousand dollars for the purpose of examining titles to real estate, of furnishing information in relation thereto, and of insuring owners and others interested therein against loss by reason of incumbrances and defective title. Such companies shall not be subject to the provisions of this chapter except as regards the manner of their formation and as follows: to-wit: Any such corporation, before it shall issue any policy or make any contract or guarantee of insurance, shall file with the insurance commissioner a certified copy of the record or the certificate of its organization in the office of the secretary of state, and shall obtain from the insurance commissioner his certificate that it has complied with the laws applicable to it and is authorized to do business. Every such corporation shall, on or before the thirteenth day of January of each year, file in the office of the insurance commissioner a statement such as he may require of its condition and of its affairs for the year ending on the preceding thirty-first day of December, signed and sworn to by its president or secretary or treasurer and one of its directors, and for neglect to file such annual statements or for making a willfully false statement shall be liable to the same penalties as are imposed upon insurance companies. The insurance commissioner shall have the same power and authority to visit and examine such corporations as he has in the case of domestic insurance companies, and the duties and liabilities of such corporations and their agents in reference to such examinations shall be the same as those of domestic insurance companies.

#### FIRE INSURANCE.

No policy exceeding value of property shall be issued.

SEC. 39. No insurance company shall knowingly issue any fire insurance policy upon property within this state for an amount which together with any existing insurance thereon exceeds the fair value of the property nor for a longer term than seven years.

SEC. 40. When buildings insured against loss by fire and situated within this state are totally destroyed by fire, the company shall not be liable beyond the actual cash value of the insured property at the time of the loss or damage; and if it shall appear that the insured has paid premium on a sum in excess of said actual value, the assured shall be reimbursed the proportionate excess of premium paid on the difference between the amount named in the policy and the ascertained values, with interest at six per centum per annum from the date of issue. Every insurance company transacting business in this state shall, upon receiving notice of loss by fire of property in North Carolina, on which it is liable under a policy of insurance, forthwith notify the insurance commissioner thereof, and no insurance upon any such property shall be paid by any company until one week after such notification.

Liability of company for buildings destroyed.

Insurance commissioner shall be notified of fires.

Losses shall not be paid within a week.

When policy is payable to mortgagee.

SEC. 41. Where by an agreement with the assured or by the terms of a fire insurance policy taken out by a mortgagor, the whole or any part of the loss thereon is payable to a mortgagee or mortgagees of the property for their benefit, the company shall, upon satisfactory proof of the rights and title of the parties, in accordance with such terms or agreement, pay all mortgagees protected by such policy in the order of their priority of claim, as their claims shall appear, not beyond the amount for which the company is liable, and such payments shall be to the extent thereof, payment and satisfaction of the liabilities of the company under such policy.

SEC. 42. In all insurance against loss by fire the conditions of insurance shall be stated in full, and the rules and by-laws of the company shall not be considered as a warranty or a part of the contract, except so far as they are incorporated in full into the policy.

Conditions shall be stated in policy for loss against fire.

STANDARD FORM OF FIRE INSURANCE POLICY.

SEC. 43. No fire insurance company shall issue fire insurance policies on property in this state other than those of the standard form filed in the office of the insurance commissioners of the state, known and designated as the standard fire insurance policy of the state of North Carolina, except as follows:

Standard fire insurance form.

a. A company may print on or in its policies its name, location and date of incorporation, the amount of its paid-up capital stock, the names of its officers and agents, the number and date of the policy, and if it be issued through an agent, the words, "This policy shall not be valid until countersigned by the duly authorized manager or agent of the company at ----," and after the words "standard fire insurance policy of the state of North Carolina," on the back of the form, the names of such other states as have adopted this standard form.

Facts contained in form.

Other states adopting form.

Description of property.

*b.* A company may use in its policies written or printed forms of description and specification of the property insured.

Enumeration of perils insured against.

*c.* A company insuring against damage by lightning may print in the clause, enumerating the perils insured against, the additional words, "also any damage by lightning, whether fire ensues or not," and in the clause providing for an apportionment of loss in case of other insurance, the words, "whether by fire, lightning, or both."

Provisions modifying or adding to standard form.

*d.* A company may write or print upon the margin or across the face of a policy, or write or print in type not smaller than long primer, upon separate slips or riders to be attached thereto, provisions adding to or modifying those contained in the standard form, and all such slips, riders and provisions must be signed by the officers or agents of the company so using them.

Amount for which insured may be liable.

*e.* Every mutual company shall cause to appear in the body of its policy the total amount for which the assured may be liable under the charter of said company.

Type used in printing.

*f.* The said standard form of policy shall be plainly printed, and no portion thereof shall be in type smaller than the type used in printing the said form on file in the office of the insurance commissioners, and shall be as follows, to-wit:

No. ----

§-----

Form.

(Corporate name of the company or association; its principal place or places of business.)

In consideration of the stipulations herein named, and of ---- dollars premiums, ---- does insure ----- for the term of -----, from the ---- day, -----, 189--, at noon, to the ---- day of -----, 189--, at noon, against all direct loss or damage by fire, except as hereinafter provided, to an amount not exceeding ---- dollars, to the following-described property while located and contained as described herein, and not elsewhere, to-wit:

(Description of property insured.)

Liability of company.

This company shall not be liable beyond the actual cash value of the property at the time any loss or damage occurs, and the loss or damage shall be ascertained or estimated according to such actual cash value, with proper deduction for depreciation, however caused, and shall in no event exceed what it would then cost the insured to repair or replace the same with material of like kind and quality; said ascertainment or estimate shall be made by the insured and this company, or, if they differ, then the appraisers, as hereinafter provided; and the amount of loss or damage having been thus determined, the sum for which this company is liable, pursuant to this policy, shall be payable sixty

days after due notice, ascertainment, estimate, and satisfactory proof of the loss have been received by this company in accordance with the terms of this policy. It shall be optional, however, with this company to take all or any part of the articles at such ascertained or appraised value, and also to repair, rebuild or replace the property lost or damaged with other of like kind and quality within a reasonable time on giving notice, within thirty days after the receipt of the proof herein required, of its intention to do so; but there can be no abandonment to this company of the property described. This entire policy shall be void if the insured has concealed or misrepresented, in writing or otherwise, any material fact or circumstance concerning this insurance or the subject thereof; or if the interest of the insured in the property be not truly stated herein; or in case of any fraud or false swearing by the insured touching any matter relating to this insurance or the subject thereof, whether before or after a loss. This entire policy, unless otherwise provided by agreement endorsed hereon or added hereto, shall be void if the insured now has or shall hereafter make or procure any other contract of insurance, whether valid or not, on property covered in whole or in part by this policy; or if the subject of insurance be a manufacturing establishment and if it be operated in whole or in part at night later than ten o'clock, or if it cease to be operated for more than ten consecutive days, or if the hazard be increased by any means within the control of [or] knowledge of the insured; or if mechanics be employed in building, altering or repairing the within-described premises for more than fifteen days at any one time, or if the interest of the insured be other than unconditional and sole ownership; or if the subject of insurance be a building on ground not owned by the insured in fee simple; or if the subject of insurance be personal property, and be or become encumbered by a chattel mortgage; or if, with the knowledge of the insured, foreclosure proceedings be commenced or notice given of sale of any property covered by this policy by virtue of any mortgage or trust deed; or if any change, other than by the death of an insured, take place in the interest, title or possession of the subject of insurance (except change of occupants without increase of hazard) whether by legal process or judgment or by voluntary act of the insured or otherwise; or if this policy be assigned before a loss; or if illuminating gas or vapor be generated in the described building (or adjacent thereto) for use therein; or if (any usage or custom of trade or manufacture to the contrary notwithstanding) there --- be kept, used or allowed on the above-described premises, benzine, benzole, dynamite, ether, fireworks, gasoline, greek fire, gunpowder exceeding twenty-five pounds in quantity, naphtha, nitro-glycerine or other explosives, phosphorus or petroleum, or

Optional with company to rebuild or pay loss.

Policy void if insured has made misrepresentations. When policies may be made void.

any of its products, of greater inflammability than kerosene oil of the United States standard (which last may be used for lights and kept for sale according to law, but in quantities not exceeding five barrels, provided it be drawn and lamps filled by daylight or at a distance not less than ten feet from artificial light); or if a building herein described, whether intended for occupancy by owner or tenant, be or become vacant or unoccupied and so remains for ten days. This company shall not be liable for loss caused directly or indirectly by invasion, insurrection, riot, civil war or commotion, or military or usurped power, or by order of any civil authority; or by theft; or by neglect of the insured to use all reasonable means to save and preserve the property at and after a fire or when the property is endangered by fire in neighboring premises, or (unless fire ensues, and in that event, for the damage by fire only) by explosion of any kind or lightning; but liability for direct damage by lightning may be assumed by specific agreement hereon. If a building or any part thereof fall, except as the result of fire, all insurance by this policy on such building and its contents shall immediately cease. This company shall not be liable for loss to accounts, bills, currency, deeds, evidences of debt, money, notes or securities, nor unless liability is specifically assumed hereon, for loss to awnings, bullion, casts, curiosities, drawings, dies, implements, jewels, manuscripts, medals, models, patterns, pictures, scientific apparatus, signs, store or office furniture or fixtures, sculpture, tools, or property held on storage or for repairs, nor beyond the actual value destroyed by fire, for loss occasioned by ordinance or law regulating construction or repair of buildings, or by interruption of business, manufacturing processes, or otherwise, nor for any greater proportion of the value of plate glass, frescoes and decorations than that which this property shall have to the whole insurance on the building described. If an application, survey, plan or description of property be referred to in this policy it shall be a part of this contract and a warranty by the insured. In any matter relating to this insurance no person, unless duly authorized in writing, shall be deemed the agent of this company. This policy may, by a renewal, be continued under the original stipulations, in consideration of premium for the renewed term: *Provided*, that any increase of hazard must be made known to this company at the time of renewal, or this policy shall be void. This policy shall be cancelled at any time at the request of the insured, or by the company by giving five days' notice of such cancellation. If this policy shall be cancelled as hereinbefore provided, or become void or cease, the premium having been actually paid, the unearned portion shall be returned on surrender of this policy or last renewal, this company retain-

Not liable for losses caused by certain contingencies.

Applications, surveys, etc., referred to a part of policy.

Policy may be cancelled.

ing the customary short rate, except that when this policy is cancelled by this company by giving notice, it shall retain only the pro rata premium. If, with the consent of this company, an interest under this policy shall exist in favor of a mortgagee, or of any person or corporation having an interest in the subject of insurance other than the interest of the insured as described herein—the conditions hereinbefore contained shall apply in the manner expressed in such provisions and conditions of insurance relating to such interest as shall be written upon, attached or appended hereto. If property covered by this policy is so endangered by fire as to require removal to a place of safety, and is so removed, that part of this policy in excess of its proportion of any loss and of the value of property remaining in the original location, shall, for the ensuing five days only, cover the property so removed in the new location; if removed to more than one location, such excess of this policy shall cover therein for such five days in the proportion that the value in any one such new location bears to the value in all such new locations: but this company shall not, in any case of removal, whether to one or more locations, be liable beyond the proportion that the amount hereby issued shall bear to the total insurance on the whole property at the time of fire, whether the same cover in a new location or not. If fire occur, the insured shall give immediate notice of any loss thereby in writing to this company, protect the property from further damage, forthwith separate the damaged and undamaged personal property, put it in the best possible order, make a complete inventory of the same, stating the quantity and cost of each article and the amount claimed thereon; and within sixty days after the fire, unless such time is extended in writing by this company, shall render a statement to this company, signed and sworn to by said insured, stating the knowledge and belief of the insured as to the time and origin of the fire; the interest of the insured, and of all others in the property; the cash value of each item thereof, and the amount of loss thereon; all incumbrances thereon; all other insurance, whether valid or not, covering any of said property; and a copy of all the descriptions and schedules in all policies; any changes in the title, use, occupation, localtion, possession or exposures of said property since the issuing of this policy, by whom and for what purpose any building herein described, and the several parts thereof were occupied at the time of fire, and shall furnish, if required, verified plans and specifications of any building, fixtures or machinery destroyed or damaged; and shall also, if required, furnish a certificate of the magistrate or notary public (not interested in the claim as a creditor or otherwise, nor related to the insured) living nearest the place of fire, stating that he has examined the circumstances and be-

Unearned portion of premium shall be repaid on cancellation of policy.  
Interest existing in favor of mortgagee.

Property endangered by fire.

Liability of company in case of removal.

Treasurer shall give immediate notice of loss.

Shall furnish certificate of magistrate or notary public.

Shall exhibit all that remains of property.

Shall produce books, accounts, etc.

In event of disagreement, appraisers shall be appointed.

Company does not waive provisions of charter by requirements relating to appraisal.

Extent of liability of company.

When company claims origin of fire caused by neglect, etc.

When suit for action sustainable.

believes the insured has honestly sustained loss to the amount that such magistrate or notary public shall certify. The insured, as often as required, shall exhibit to any person designated by this company all that remains of any property herein described, and submit to examination under oath by any person named by this company, and subscribe the same and, as often as required, shall produce for examination all books of account, bills, invoices and other vouchers, or certified copies thereof if originals be lost, at such reasonable place as may be designated by this company or its representative, and shall permit extracts and copies thereof to be made. In the event of disagreement as to the amount of loss, the same shall, as above provided, be ascertained by two competent and disinterested appraisers, the insured and this company each selecting one, and the two so chosen shall first select a competent and disinterested umpire; the appraisers together shall then estimate and appraise the loss, stating separately sound value and damages, and failing to agree, shall submit their differences to the umpire; and the award in writing of any two shall determine the amount of such loss; the parties thereto shall pay the appraisers respectively selected by them, and shall bear equally the expenses of the appraisal and umpire. This company shall not be held to have waived any provision or condition of this policy or any forfeiture thereof by any requirement, act or proceeding on its part relating to the appraisal or to any examination herein provided for, and the loss shall not become payable until sixty days after the notice, ascertainment, estimate, and satisfactory proof of the loss herein required have been received by this company, including an award by appraisers when appraisal has been required. This company shall not be liable under this policy for a greater proportion of any loss on the described property or for loss by an expense of removal from premises endangered by fire than the amount hereby insured shall bear to the whole insurance, whether valid or not, or by solvent or insolvent insurers, covering such property, and the extent of the application of the insurance under this policy or of the contribution to be made by this company in case of loss may be provided for by agreement or condition written hereon or attached or appended hereto. Liability for reinsurance shall be as specifically agreed hereon. If this company shall claim that the fire was caused by the act or neglect of any person or corporation, private or municipal, this company shall, on payment of the loss, be subrogated to the extent of such payment to all right of recovery by the insured for the loss resulting therefrom, and such right shall be assigned to this company by the insured on receiving such payment. No suit or action on this policy, for the recovery of any claim, shall be sustainable in any court of law or equity until

after full compliance by the insured with all the foregoing requirements, nor unless commenced within twelve months next after the fire. Wherever in this policy the word "insured" occurs, it shall be held to include the legal representative of the insured, and wherever the word "loss" occurs, it shall be deemed the equivalent of "loss" or "damage." If this policy be made by a mutual or other company having special regulations lawfully applicable to its organization, membership, policies or contracts of insurance, such regulations shall apply to and form a part of this policy as the same may be written or printed upon, attached or appended hereto. This policy is made and accepted subject to the foregoing stipulations and conditions, together with such other provisions, agreements or conditions as may be endorsed hereon or added hereto, and no officer, agent or other representative of this company shall have power to waive any provision or conditions of this policy except such as by the terms of this policy may be the subject of agreement endorsed hereon or added hereto, and as to such provisions and conditions no officer, agent or representative shall have such power or be deemed or held to have waived such provisions or conditions, unless such privilege or permission affecting the insurance under this policy exist or be claimed by the insured unless so written or attached.

"Insured" shall refer to legal representative of person insured.

No agents or representatives shall have power to waive provisions of act.

In witness whereof, this company has executed and attested these presents, this \_\_\_\_ day of \_\_\_\_\_ [A. D.] 1\_\_

Secretary.

President.

*g.* No provisions of this act shall be construed to limit insurance companies to the use of any particular size or manner of folding the paper upon which their policies may be issued. And the word "together" in line two hundred and fifty-nine, section forty-three, shall not be construed to forbid the making of estimates by either of the appraisers when not in the presence of the other, but only that they shall come together for a final estimate and appraisal of the loss or damage.

Appraisers shall only come together for final estimate. Use of forms other than standard, unlawful.

SEC. 44. Any insurance company which shall cause to be issued, and any agent who shall make, issue, or deliver a policy of fire insurance other than the standard form of fire insurance policy, in willful violation of this act, shall forfeit for each offense not less than fifty nor more than two hundred dollars; but such policy shall nevertheless be binding upon the company issuing the same.

#### FIDELITY INSURANCE.

SEC. 45. That whenever, by the law of North Carolina, or by the regulation of any board, body or organization in this state, any bond, recognizance, obligation or undertaking is required of, per-

Bonds, etc., guaranteed by such companies shall be accepted.

mitted to be made, given, tendered or filed by any sheriff, clerk of a court, register of deeds, tax collector, treasurer, constable or coroner, mayor, clerk, policeman, weigher or standard-keeper of any county, city, town or township in this state, or by any trustee, receiver, guardian, administrator, executor, assignee, or any other fiduciary and party to a civil action or proceeding, either for the prosecution thereof or for any other purpose whatsoever in the course of the action, or by any officer of any town or city, conditioned for the doing or not doing of anything, in such bond, recognizance, obligation or undertaking specified, any and all clerks of the superior courts, municipal officers, boards, courts and judges, now or hereafter permitted to accept, approve or pass upon the sufficiency of such bond, recognizance, obligation or undertaking shall accept such bond, recognizance, obligation or undertaking, and approve the same, whenever the same is executed or the conditions thereof are guaranteed by a corporation of this or any other state, which corporation under its charter is authorized to act as guardian or other trustee, or to guarantee the fidelity of any persons holding places of public and private trusts, and to guarantee the performance of contracts, other than insurance policies, and to execute and guarantee bonds and undertakings required or permitted in actions or proceedings, or by law allowed; whenever such bond, recognizance, obligation or undertaking is so required or permitted to be made, given, tendered or filed with one surety, or with two or more sureties, the execution of the same, or the guaranteeing of the performance of the condition thereof shall be sufficient when executed or guaranteed solely by such company so authorized, and shall be in all respects a full and complete compliance with every requirement of every law, rule and regulation that such bond, recognizance, obligation or undertaking shall be executed by one surety or two sureties, and that such surety or sureties shall be residents or freeholders, and such bond, recognizance, obligation or undertaking shall be accepted and approved when executed by such company: *Provided*, the clerk of the superior court may have discretion as to the acceptance of any bond on which said company or companies may become sureties on the bonds of guardians, executors, administrators, assignees, or other fiduciary or any other party to a civil action or proceeding. All such corporations are hereby vested with full power and authority to execute or guarantee such bond, recognizance, obligation or undertaking, whether given under the laws of this state or the United States, or any other state or country.

Proviso.

Clerk of court may exercise discretion.

Powers of such companies.

Such companies shall keep resident agent in North Carolina.

SEC. 46. That before any such corporation shall be authorized to execute such bond, obligation or undertaking, it shall appoint and keep a general agent resident in North Carolina, upon whom

all service of process and notice may be made, and it shall exhibit to the secretary of state a full statement of its assets and liabilities; and the secretary shall examine into the solvency of said corporation, and shall, if he deem it necessary, at the expense of such corporation, cause an examination to be made at the home office of such corporation of its assets and liabilities. This examination shall be made from time to time, whenever the insurance commissioner of state shall deem it necessary. After such examination shall have been made, the certificate of the insurance commissioner of state that the said corporation is solvent to an amount not less than one hundred thousand dollars shall be and the same is, until such certificate is revoked by him, hereby made equivalent to the jurisdiction of sureties by law.

Statement of assets and liabilities shall be made.

SEC. 47. That any corporation licensed by the insurance commissioner of the state as aforesaid, may be guardian, trustee assignee, receiver, executor or administrator in this state without giving any bond; and the clerks of the superior courts, or other officers charged with the duty, or clothed with the power of making such appointments, are hereby authorized to appoint such corporation to any such office, whether the said corporation be a resident of state or not.

May be guardian, etc., without giving bond.

SEC. 48. Any company executing such bond, obligation or undertaking may be released from its liability or security on the same terms as are or may be by law prescribed for the release of individuals upon any such bonds, obligations or undertakings.

May be released from liability on same terms as individual.

SEC. 49. Any company which shall execute any bond, obligation or undertaking under the provisions of this act shall be estopped in any proceeding to enforce the liability which it shall assume to incur, to deny its corporate power to execute such instrument or assume such liability.

Such company estopped from certain proceedings.

SEC. 50. For the license required in section two of this act, the corporation receiving the same shall pay to the insurance commissioner of state a fee of one hundred dollars, which shall be by him paid to the state treasurer; and the insurance commissioner of state shall immediately notify the clerk of the superior court of each county of such company as may have been licensed under this act. Whenever the insurance commissioner of state shall be satisfied that any corporation licensed by him, as aforesaid, has become insolvent, or is in imminent danger of insolvency, he shall revoke the license granted to it, and notify the clerk of the superior court of each county of such revocation; and after such notification, the right of said corporation to hold any office, or be surety on any bond, as hereinbefore permitted, shall cease.

License tax.

When insurance commissioner believes company licensed by him is insolvent.

SEC. 51. That the penalty of the several bonds required to be given by officers of the respective counties shall be: By the

Penalty of bond of sheriff.

sheriff, for the collection and settlement of state taxes according to law, a sum not exceeding the amount of the taxes assessed upon the county for state purposes in the previous year.

In counties hav-  
ing no treasurer.

SEC. 52. For the collection and settlement of county and other local taxes according to law, in counties having no county treasurer, a sum not exceeding the amount of such county and other local taxes for the previous year; and in counties having a county treasurer a sum not exceeding one hundred (100) per centum of such county and other local taxes for the previous year (3); for the faithful performance of the duties of his office, as sheriff, a sum not exceeding five thousand dollars (\$5,000): *Provided*, that every sheriff shall deposit the county and other local taxes by him collected with the county treasurer, if there be a county treasurer, as often as he shall collect or have in his possession at any one time of such county or local taxes, a sum equal to five hundred dollars (\$500). By the county treasurer: For the faithful performance of the duties of his office as required by law, a sum not exceeding the amount of the county and local taxes assessed during the previous year. By the register of deeds: For the faithful performance of his duties as required by law, a sum not exceeding ten thousand dollars (\$10,000). By the clerk of the superior court: For the faithful performance of his duties as required by law, a sum not exceeding fifteen thousand dollars (\$15,000), and not less than ten thousand dollars (\$10,000). By the coroner: For the faithful performance of his duties as required by law, a sum not exceeding two thousand dollars (\$2,000). By the constable: For the faithful performance of his duties as required by law, a sum not exceeding one thousand dollars (\$1,000).

Proviso.  
Sheriff.

Treasurer.

Register of deeds.

Clerk of court.

Coroner.

Constable.

Such bonds shall  
be received and  
accepted.

SEC. 53. That upon presentation to the person or persons authorized by law to take, accept and file official bonds, of any bond duly executed in the penal sum herein required by the officer chosen to any such office, as principal, and by any insurance or security company, as security thereto, whose insurance or guaranty is accepted as security upon the bonds of United States bonded officials (such insurance company having complied with the insurance laws of the state of North Carolina), or by any other good and sufficient security thereto, such bond shall be received and accepted as sufficient, and the principal thereon shall be inducted into office.

Bonds shall be  
given for term  
of office to which  
officers chosen.

SEC. 54. That the bonds herein required shall be given for the term of the office to which such officers were chosen, respectively. They shall be carefully examined on the first Monday in December of every year, and if it shall appear that the security has been impaired, or for any cause become insufficient, to cause the amount of public money or property, or to secure the faithful performance of the duties of the office: then the bond shall be

renewed or strengthened, the insufficient security increased within the limits herein prescribed, and the impaired shall be made good, but no renewal, or strengthening, or additional security shall make "cumulation," or otherwise increase the penalty of said bond beyond the limits herein prescribed for the term of office.

Bonds may be renewed or strengthened.

#### LIFE INSURANCE AND LIFE INSURANCE COMPANIES.

SEC. 55. All corporations, associations, partnerships or individuals doing business in this state, under any charter, compact, agreement or statute of this or any other state, involving the payment of money or other thing of value to families or representatives of policy and certificate holders or members, conditioned upon the continuance or cessation of human life, or involving an insurance, guaranty, contract or pledge for the payment of endowments or annuities, or who shall employ agents to solicit business, shall be deemed to be life insurance companies, and shall in all respects be subject to the laws herein made and provided for the government of life insurance companies, and shall not make any such insurance, guaranty, contract or pledge in this state, or to do with any citizen or resident thereof, which does not distinctly state the amount of benefits payable, the manner of payment and the consideration therefor.

What constitutes life insurance companies.

Shall be subject to laws herein prescribed.

SEC. 56. A company organized under the laws of any other of the United States for the transaction of life insurance may be admitted to do business in this state, provided it complies with provision of section sixty-two applicable to life companies and in the opinion of the insurance commissioner is in sound financial condition and has policies in force upon not less than five hundred lives for an aggregate amount of not less than five hundred thousand dollars. Any life company organized under the laws of any other country than the United States, in addition to the above requirement, must have and keep on deposit with some state insurance department or in the hands of trustees in exclusive trust for the security of its contracts with policy-holders in the United States, funds of an amount equal to the net value of all its policies in the United States and not less than two hundred thousand dollars.

Shall comply with section 62 before doing business in North Carolina.

Shall deposit security for contracts.

SEC. 57. No life insurance company doing business in North Carolina shall make any distinction or discrimination in favor of individuals between insurants of the same class an equal expectation of life in the amount of payment of premiums or rates charged for policies of life or endowment insurance, or in the dividends or other benefits payable thereon, or in any of the terms and conditions of the contracts it makes, nor shall any such company or any agent thereof make any contract of insurance or

Shall not make discriminations.

No contracts shall be made other than as expressed in the agreement.

Rebate of premiums shall not be allowed.

No risks shall be reinsured except by consent of insurance commissioner.

Medical examinations shall be made before policies are issued.

Violation of these provisions a misdemeanor. Dividend of stockholders

May reduce capital.

Lawful beneficiaries shall have preference over creditors of insured.

Policies payable to married women.

Persons making false statements guilty of a misdemeanor.

agreement as to such contract other than as plainly expressed in the policy issued thereon: nor shall any such company or agent pay or allow as inducement to insurance, any rebate of premium payable on the policy, or any special favor or advantage in the dividends or other benefit to accrue thereon, or any valuable consideration or inducement whatever not specified in the policy contract of insurance.

SEC. 58. No domestic life insurance company shall reinsure its risks except by permission of the insurance commissioner, but may reinsure not exceeding one-half of any individual risk. No life insurance company organized under the laws of or doing business in this state shall enter into any contract of insurance upon lives within this state without having previously made or caused to be made a prescribed medical examination of the insured by a registered medical practitioner. Any insurance company violating this provision, or any officer, agent or other person soliciting or effecting, or attempting to effect, a contract of insurance contrary thereto, shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding one hundred dollars for each offense. The stockholders of the guaranty capital of any such company shall be entitled to such annual dividends not exceeding eight per centum, payable from the net surplus, as may have been agreed upon in the subscription thereof. And any such company may redeem its guaranty capital by appropriation of net surplus for that purpose whenever its members so vote.

SEC. 59. When a policy of insurance is effected by any person on his own life, or another life in favor of some person other than himself having an insurable interest therein, the lawful beneficiary thereof, other than himself or his legal representatives, shall be entitled to its proceeds against the creditors and representatives of the person effecting the same; and the person to whom a policy of life insurance hereafter issued is made payable may maintain an action thereon in his own name. Every policy of life insurance made payable to or for the benefit of a married woman, or after its issue assigned, transferred, or in any way made payable to a married woman, to any person in trust for her or for her benefit, whether procured by herself, her husband or by any other person, and whether the assignment or transfer is made by her husband or by any other person, shall inure to her separate use and benefit and to that of her children.

SEC. 60. Any solicitor, agent, examining physician or other person who shall knowingly or willfully make any false or fraudulent statement or representation in or with reference to any publication for insurance, or who shall make any such statement for the purpose of obtaining fee, commission, money or benefit in any corporation transacting business under this act, shall be

guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or imprisonment in the county jail for not less than thirty days nor more than one year, or both, at the discretion of the court; and any person who shall willfully make a false statement of any material fact or thing in a sworn statement as to the death or disability of a policy or certificate holder in any such corporation, for the purpose of procuring payment of a benefit named in the certificate of such holder, shall be guilty of perjury, and shall be proceeded against and punished as provided by the statutes of the state in relation to the crime of perjury. Penalty.

FOREIGN INSURANCE COMPANIES.

SEC. 61. Foreign insurance companies, upon complying with the conditions herein set forth applicable to such companies, may be admitted to transact in this state by constituted agents resident therein any class of insurance authorized by the laws now or hereafter in force relative to the duties, obligations, prohibitions and penalties of insurance companies, and subject to all laws applicable to the transaction of such business by foreign insurance companies and their agents: *Provided*, that no provision of law which by its terms applies specifically to domestic life insurance companies shall thereby become applicable to foreign life insurance companies. When foreign insurance companies may be admitted to do business in this state.

Proviso.  
Provisions referring specifically to domestic companies shall not apply to foreign companies.

CONDITIONS OF ADMISSION OF FOREIGN COMPANIES.

SEC. 62. No foreign insurance company shall be admitted and authorized to do business until — When foreign companies shall be authorized to do business.

First. It shall deposit with the insurance commissioner a certified copy of its charter or deed of settlement and a statement of its financial condition and business, in such form and detail as he may require, signed and sworn to by its president and secretary or other proper officer, and shall pay for the filing of such statement the sum of twenty dollars. Shall deposit copy of charter with insurance commissioner.

Second. It shall satisfy the insurance commissioner that it is fully and legally organized under the laws of its state or government to do the business it proposes to transact; that it has, if a stock company, a fully paid up and unimpaired capital, exclusive of stockholders' obligations of any description, of an amount not less than (\$100,000) one hundred thousand dollars: *Provided*, that nothing in this sub-section shall apply to companies now authorized to do business in this state; and if a mutual company, other than life, that its net cash assets equal to the capital required of like companies on the stock plan; or that it possesses net cash assets of not less than one hundred thousand dollars or net cash assets of not less than fifty thousand dollars, with also Shall satisfy commissioner that it is fully and legally organized.

Proviso.  
Net cash receipts must equal capital required of like companies.

Assets and capital.

invested assets of not less than one hundred thousand dollars, and, in each case, with additional contingent assets of not less than three hundred thousand dollars, and that such capital or net assets are well invested and immediately available for the payment of losses in this state; and that it insures on any single hazard a sum no larger than one-tenth of its net assets.

Service of process.

Third. It shall by a duly executed instrument filed in his office constitute and appoint the insurance commissioner, or his successor, its true and lawful attorney, upon whom all lawful processes in any action or legal proceeding against it may be served, and therein shall agree that any lawful process against it which may be served upon its said attorney shall be of the same force and validity as if served on the company, and the authority thereof shall continue in force irrevocable so long as any liability of the company remains outstanding in this commonwealth. The service of such process shall be made by leaving the same in the hands or office of the insurance commissioner. Copies of such instrument, certified by the insurance commissioner, shall be deemed sufficient evidence thereof, and service upon such attorney shall be deemed sufficient service upon the principal.

Shall obtain certificate from insurance commissioner.

Fourth. It shall appoint as its agent or agents in the state some resident or residents thereof.

Fifth. It shall obtain from the insurance commissioner a certificate that it has complied with the laws of the state and is authorized to make contracts of insurance.

Application for renewal of license.

SEC. 63. Whenever an applicant [application] for renewal, of license or for admission to this state is made by a company, whether of another state of the United States or of a foreign country, for the transaction of business of fire insurance herein, such company shall, as one of the prerequisites of admission, file a sworn declaration signed by its president and secretary, or officers corresponding thereto, that it will not reinsure any risk or part thereof taken by it on any property located in North Carolina with any company not authorized to transact the business of fire insurance in said state. Every fire insurance company now or hereafter admitted shall annually and at such other times as the insurance commissioner may require, in addition to all returns now by law required of it or its agents or managers, make a return to the insurance commissioner in such form and detail as may be prescribed by him of all reinsurance contracted for or effected by it, directly or indirectly, upon property located in North Carolina, such return to be certified by the oath of its president and secretary if a company of one of the United States, and, if a company of a foreign country, by its president and secretary, or by officers corresponding thereto, as to reinsurance as aforesaid contracted for or effected through the foreign office, and by the United

Annual statement of reinsurance contracted for required.

Return shall be certified.

States manager as to such reinsurance effected by the United States branch; and if any company shall, directly or indirectly, reinsure any risk taken by it on any property located in North Carolina in any company not duly authorized to transact business herein, or if [it] shall refuse or neglect to make the returns required by this act, the insurance commissioner shall revoke its authority to transact business in this state.

Refusal to make such returns shall cause charter to be revoked.

SEC. 64. Such foreign company, if incorporated or associated under the laws of any government or state other than the United States or one of the United States, shall not be admitted until, besides complying with the conditions of section sixty-two, it has made a deposit with the treasurer of the state or with the financial officer of some other state of the United States, of a sum not less than the capital required of like companies under this act. Such deposit must be in exclusive trust for the benefit and security of all the company's policy-holders and creditors in the United States, and may be made in the securities but subject to the limitations specified in section twenty-seven of this act, and such deposit shall be deemed for all purposes of the insurance laws the capital of the company making it.

Sum equal to capital stock shall be deposited with treasurer.

SEC. 65. No foreign insurance company hereafter admitted to do business in the state shall be authorized to transact more than one class or kind of insurance therein, unless they shall pay the license fees for each class and have the requisite capital for each business engaged in: *Provided*, that a life insurance company may do an accident business and a fire insurance company may transact insurance as prescribed in section twenty-four, subsection one, two and seven, with the payment of the largest license fees provided in this act for any one business done: *Provided further*, that no insurance company shall be required to pay license fees amounting in the aggregate to more than three hundred and fifty dollars per annum.

Companies shall pay license fees for each class of business done.

Proviso.

Life company may do certain other business.

Proviso.

SEC. 66. The authority of a foreign insurance company may be revoked if it shall violate or neglect to comply with any provision of law obligatory upon it, and whenever in the opinion of the insurance commissioner its condition is unsound, or its assets above its liabilities, exclusive of capital and inclusive of unearned premiums estimated as provided in section sixty-seven, are less than the amount of its original capital or required unimpaired funds.

Authority of foreign companies may be revoked for certain violations of provisions.

SEC. 67. To determine the liability upon its contracts of an insurance company, other than life and real estate title insurance, and thence the amount such company shall hold as a reserve for reinsurance, he may take fifty per centum, or the actual unearned portion of the premiums written in its policies.

To determine liability of company on contracts.

## BROKERS—FIRE INSURANCE IN UNAUTHORIZED COMPANIES.

License may be issued persons in this state to do business for foreign companies.

SEC. 68. The insurance commissioner, upon the annual payment of a fee of twenty dollars, may issue licenses to citizens of this state, subject to revocation at any time, permitting the person named therein to procure policies of fire insurance on property in this state in foreign insurance companies not authorized to transact business in this state. Before the person named in such a license shall procure any insurance in such companies or on any property in this state, he shall in every case execute and file with the insurance commissioner an affidavit that he is unable to procure in companies admitted to do business in the state the amount of insurance necessary to protect said property, and shall only procure insurance under such license after he has procured insurance in companies admitted to do business in this state to the full amount which said companies are willing to write on said property: *Provided*, that such licensed person shall not be required to offer any portion of such insurance to any company which is not possessed of cash assets amounting to at least twenty-five thousand dollars, or one which has, within the preceding twelve months, been in an impaired condition. Each person so licensed shall keep a separate account of the business done under the license, a certified copy of which account he shall forthwith file with the insurance commissioner, showing the exact amount of such insurance placed by any person, firm or corporation, the gross premium charged thereon, the companies in which the same is placed, the date of the policies and the term thereof, and also a report in the same detail of all such policies cancelled, and the gross return premiums thereon, and before receiving such license shall execute and deliver to the treasurer a bond in the penal sum of one thousand dollars, with such sureties as the treasurer shall approve, with a condition that the license will faithfully comply with all the requirements of this section, and will file with the treasurer, in January of each year, a sworn statement of the gross premiums charged for insurance procured or placed, and the gross returned premiums on such insurance cancelled under such license during the year ending on the thirty-first day of December next preceding, and at the time of filing such statement will pay into the treasurer [treasury] of the state a sum equal to five per centum of such gross premiums, less such returned premiums so reported.

Proviso.

Such persons shall keep record of business done.

Shall render report.

Shall file annual statement with treasurer.

Said agent or broker shall be held to be company's agent.

SEC. 69. An insurance agent or broker who acts for a person other than himself in negotiating a contract of insurance company shall, for the purpose of receiving the premium therefor, be held to be the company's agent, whatever conditions or stipulations may be contained in the policy or contract; such agent or

broker knowingly procuring by fraudulent representations payment, or the obligation for the payment of a premium of insurance, shall be punished by a fine of not less than one hundred nor more than five hundred dollars, or be imprisoned for not more than one year.

Fraudulent representations unlawful.

SEC. 70. An insurance agent shall be personally liable on all contracts of insurance unlawfully made by or through him, directly or indirectly, for or in behalf of any company not authorized to do business in the state.

Agents shall be personally liable on all contracts unlawfully made by them.

SEC. 71. When an insurance company organized under the laws of any state or country is prohibited by the laws of said state or country or by its charter from investing its assets other than capital stock in the bonds of this state, then and in such case the insurance commissioner is authorized and directed to refuse to grant a license to transact business in North Carolina to such insurance company.

Companies to which commissioner may refuse to grant license.

#### STATEMENTS.

SEC. 72. The insurance commissioner shall, in December of each year, furnish to each of the insurance companies authorized to do business in the state, two or more blanks adapted for their annual statements.

Insurance commissioner shall furnish blanks.

SEC. 73. Every general agent shall file in the office of the insurance commissioner, on or before the first day of March in each year, in such form and in such detail as the insurance commissioner shall prescribe, a statement showing the business standing and financial condition of his principal on the preceding thirty-first day of December, signed and sworn to by said principal or the chief managing agent or officer thereof before the insurance commissioner or before a commissioner of affidavits for North Carolina or before some notary public.

General agents shall file statement showing standing, etc., of company.

SEC. 74. It shall be the duty of the insurance commissioner to receive and thoroughly examine each annual statement required by this act, and if made in compliance with the laws of North Carolina, to publish an abstract of the same in one of the newspapers of the state, to be selected by the general agent making such statement, and at the expense of his principal.

Insurance commissioner shall receive and examine statements.

SEC. 75. If the insurance commissioner shall become satisfied at any time that any statements made by any person licensed under this act shall be untrue, or in case a general agent shall fail or refuse to obey the provisions of this act, the insurance commissioner shall have power to revoke and cancel such license.

When insurance commissioner believes statements untrue may refuse license.

SEC. 76. It shall be the duty of any person having in his possession or control any books, accounts or papers of any person licensed under this act, to exhibit the same to the insurance commissioner on demand, and on refusing to do so, or knowingly or

Books, papers, etc., shall be produced on demand of insurance commissioner.

willfully making any false statement in regard to the same, such person shall be deemed guilty of a misdemeanor, and, upon conviction thereof shall be fined or imprisoned, or both, at the discretion of the court.

Insurance commissioner shall keep on file all reports for inspection of public.

SEC. 77. The insurance commissioner shall keep on file in his office, for the inspection of the public, all the reports received by him in obedience to this chapter, and shall certify to the clerk of the superior court of each and every county an abstract of each annual statement at the expense of the person making the same, and he shall also certify, at like expense, to said clerks, on the first day of each month, a list of the licenses in force at such dates and of those that have expired without renewal or that have been revoked during the preceding year, and the said certified abstracts and certified lists each clerk as aforesaid shall file in stub books kept for that purpose, furnished by the insurance commissioner, which books shall be open for the inspection of the public: *Provided*, there shall be no tax for any seal required by this section.

Proviso.

#### LICENSES, TAXES AND FEES.

License, how long continued.

SEC. 78. The licenses required shall continue for the next ensuing twelve months after April first of each year (but the insurance commissioner may receive from applicants after April first so much of said license fee as may be due pro rata for the remainder of the year) unless revoked as provided in this act.

General agents shall make semi-annual statement of gross receipts.

SEC. 79. Every general agent shall, within the first thirty days of January and July of each year, make a full and correct statement, under oath, of the amount of the gross receipts derived from the insurance business under this act obtained from residents of the state or on property located therein during the preceding six months, and shall, within the first fifteen days of February and August of each and every year, pay to the insurance commissioner a tax of two per centum upon the amount of such gross receipts therein returned: *Provided*, that if any general agent shall exhibit to the insurance commissioner a sworn statement showing that at least one-quarter of the entire assets of his company, when his company has assets, are invested in and are maintained in any or all of the following securities or property, viz: Bonds of this state or of any county, city or town of this state, or any property situate in this state and taxable therein, then the tax shall be one per centum upon the gross receipts aforesaid; and if the amount so invested shall be three-fourths of the total assets, the tax shall be one-fourth of one per centum. No county or corporation shall be allowed to impose an additional tax, license or fee upon any insurance company. The license fees and taxes imposed in this section shall be paid to the insurance commissioner.

Proviso.

When assets are invested in state, county or municipal bonds of North Carolina, amount of tax.

No additional tax shall be imposed.

SEC. 80. The fees for license issued to any fire, marine 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. The fee for license on a company doing a strictly plate glass business, and all other insurance companies not named in this section, shall be one hundred dollars per annum.

SEC. 81. Every agent of any insurance company authorized to do business in this state shall be required to obtain annually from the insurance commissioner a certificate under the seal of his office, showing that the company for which he is agent is licensed to do business in this state, and that he is an agent of said company and duly authorized to do business for it. And every such agent, on demand, shall exhibit the said certificate to any person from whom he shall solicit insurance. Any failure to exhibit such certificate shall render said agent liable, on conviction before a justice of the peace, to a fine of five dollars, or imprisonment for ten days for each offense. And the said agent shall pay to the insurance commissioner the sum of fifty cents for the said certificate. There shall be no charge for the seal affixed to such certificate.

SEC. 82. The insurance commissioner shall furnish to the auditor, on the first of each month, a statement in detail of the taxes and license fees received by him under this act during the previous month, and shall pay to the treasurer the amount in full of such taxes and license fees.

#### SCHEDULE.

The insurance commissioner shall collect and pay into the state treasury charges, fees and taxes as follows:

#### LICENSES.

For each license issued to a life insurance company or association, two hundred and fifty dollars; for each license issued to a fire insurance company or association, two hundred dollars; for each license issued to a accident insurance company or association, two hundred dollars; for each license issued to a marine insurance company or association, two hundred dollars; for each license issued to a surety insurance company or association, one hundred dollars; for each license issued to a plate glass insurance company or association, one hundred dollars; for each license issued to a boiler insurance company or association, one hundred dollars; for each license issued to all other insurance companies or associations, one hundred dollars. All of said companies shall pay a tax of two per centum upon the amount of their gross premium receipts in this state: *Provided*, that if any general agent shall exhibit to the insurance commissioner a sworn statement

Fees for license.

Agents shall be required to obtain certificate annually from secretary of state.

Failure to exhibit certificate shall render agent liable.

Insurance commissioner shall furnish monthly statement to auditor.

Charges, fees and taxes.

Tax on gross receipts.

showing that at least one-quarter of the entire assets of his company, when his company has assets, are invested in and are maintained in any or all of the following securities or property, viz: Bonds of this state, or of any county, city or town of this state, or any property situate in this state and taxable therein, then the tax shall be one per centum upon the gross receipts aforesaid, and the license fee shall be one-half that named above; and if the amount so invested shall be three-fourths of the total assets the tax shall be one-fourth of one per centum and the license fee one fourth of that named above. For license issued to each general agent, two dollars; for license issued to each local or special agent, fifty cents; for filing and examining statement preliminary to admission, twenty dollars; for filing and auditing annual statement, ten dollars; for filing any other papers required by law, one dollar; for each certificate of examination, condition or qualification of company or association, two dollars; for each seal when required, one dollar; for service of process on him as attorney, two dollars; for each examination of domestic company, twenty-five dollars; for each examination of foreign company, fifty dollars.

License taxes,  
fees, etc.

#### FRATERNAL ORDERS.

For filing charter, etc., preliminary to admission, twenty-five dollars; for filing and auditing annual statement, ten dollars. All other fees and charges due and payable into the state treasury by any company, association, order or individual in his department.

#### COSTS OF PUBLICATION.

For annual statement (to be paid to publisher), nine dollars. The commissioner shall receive for copy of any record or paper in his office five cents per copy sheet and one dollar for certifying same; also for examination of any foreign company twenty-five dollars per diem and all expenses, and for examining any domestic company actual expenses incurred.

Fees.

#### ASSESSMENT.

Companies doing  
business under  
cooperative or  
assessment plan  
shall make annual  
statement.

SEC. 83. Every corporation, company, society, organization or association of this or any other state or country transacting the business of life, fire or casualty insurance upon the cooperative or assessment plan, shall on or before the first day of March of each year make and file, with the commissioner of insurance of this state a report of its affairs and operations during the year ending on the thirty-first day of December immediately preceding. Such report shall be upon blank form, to be provided by the commissioner of insurance, and shall be verified under oath by the duly authorized officers of such corporation, society, order

or association, and shall be published, or the substance thereof, in some newspaper published in the state at the expense of said company, corporation, order, etc.; and in his annual report by the insurance commissioner, under a separate part, entitled "assessment companies or associations," and shall contain such information as the insurance commissioner in his judgment may deem necessary for the welfare of the people of the state, subject to like penalties imposed in section ninety-seven.

SEC. 84. That every policy or certificate or renewal receipt issued to a resident of the state of North Carolina by any corporation, association or order transacting therein the business of insurance upon the assessment plan, shall be in accord with the provisions of the charter and by-laws of said corporation, association or order, as filed with the insurance commissioner. And it shall be unlawful for any domestic or foreign insurance company or fraternal order to transact or offer to transact any business not authorized by the provisions of their charters and the terms of their by-laws or through an agent or otherwise to offer or issue any policy, renewal, certificate or other contract whose terms are not in clear accord with the powers, terms and stipulations of their charters and by-laws. That upon a proper application by any citizen of this state, it shall be the duty of the insurance commissioner to give a statement or synopsis of the provisions of any insurance contract offered or issued to such citizen.

Unlawful to transact business not authorized by provisions of charter.

SEC. 85. That if any such corporation or association or order shall at any time fail or refuse to comply with the foregoing provision of preceding section, the insurance commissioner shall forthwith suspend or revoke all authority to such corporation, association or order and all its agents or officers to do business in this state, and shall publish such revocation in some newspaper published in this state.

Charter shall be revoked on failure to comply with preceding sections.

SEC. 86. That every corporation, company, society, organization or association of this or any other state or country, transacting business under this department upon the cooperative or assessment plan, shall file with the insurance commissioner, before commencing or continuing to do business in this state, a copy of their charter or articles of association, as well as the by laws, rules or regulations referred to in their policies or certificates and made a part of said contract. That no by-laws or regulation unless so filed with the insurance commissioner shall operate to avoid or affect any policy or certificate issued by such company or association. All companies now doing business in this state shall have until the first of June, eighteen hundred and ninety-nine, with which to comply with the provisions of this section.

Said companies shall file copy of charter and by-laws with insurance commissioner.

Time by which such papers must be filed.

## FRATERNAL ORDERS.

Certain fraternal orders exempted.

SEC. 87. Nothing in this act shall be construed to extend to the Masonic or Odd Fellows Association, or the Royal Arcanum, Knights of Pythias, Progressive Endowment, Guild of America, Royal Benefit Society, International Fraternal Alliance, Knights Templars and Mason's Life Indemnity Company, the Improved Order of Heptasophs, Knights of Honor, Farmers' Alliance, People's Mutual Benevolent Association of North Carolina or other benevolent associations that only levy an assessment upon their members to create a fund to pay to the family of a deceased member and make no profit therefrom, and that have been incorporated under the laws of this state, and do not solicit business through agents, unless expressly designated herein.

Fraternal orders defined.

SEC. 88. That every incorporated association, order or society doing business in this state on the lodge system, with ritualistic form of work and representative form of government, for the purpose of making provision for the payment of benefits in case of death, sickness, temporary or permanent physical disability, either as the result of disease, accident, or old age, formed and organized for the sole benefit of its members and their beneficiaries, and not for profit, be and the same is hereby declared to be a "fraternal beneficiary order, society or association"; and such order, society or association paying death benefits may also create, maintain, apply or disburse among its membership a reserve or emergency fund as may be provided in its constitution or by-laws; *Provided, however,* that no profit or gain shall be added to the payments made by a member; and any incorporated order, association or society not doing business on the lodge system, with ritualistic form of work, which is so conducted as to make it a fraternal beneficiary order, society or association within the true meaning of this act, and shall show it to the satisfaction of the commissioner, shall be permitted to do business in this state upon compliance with the provisions of this act.

Fund shall be derived from assessments.

SEC. 89. That the fund from which the payment of benefits, as provided for in section eighty-eight of this act, shall be made and the fund from which the expenses of said association shall be defrayed shall be derived from assessments or dues collected from its members. Such societies or associations shall be governed by this act, and shall be exempt from the provisions of all insurance laws of this state, and no law hereafter passed shall apply to said societies unless it be expressly designated therein.

Such societies shall file annual report of affairs.

SEC. 90. That such societies or associations doing business in this state shall, on or before the first day of March of each year, make and file with the insurance commissioner of this state a report of its affairs and operations during the year ending on the thirty-first day of December immediately preceding, together with a copy of its

constitution and laws then in force, which annual report shall be in lieu of all other reports required by any other law; such reports shall be on blanks provided by the insurance commissioner, and shall be verified under oath by the duly authorized officer or officers of such society or association and shall contain such information as the insurance commissioner in his judgment may deem necessary for the welfare of the people of this state, and shall be published, or the substance thereof, in the annual report of the insurance commissioner under a separate head, entitled "fraternal beneficiary societies": and for the filing of said report, said society or association shall pay a fee of ten dollars, and cost of publication.

Reports shall be verified.

Report of such associations under separate heads.

SEC. 91. That any such societies incorporated and organized under the laws of this state may provide for the meeting of its supreme legislative or governing body in any other state, province or territory wherein said society shall have subordinate lodges, and all business that has been heretofore or may hereafter be transacted as such meetings, shall be as valid in all respects as if such meetings were held within the state; *Provided, however*, that the principal business office of such society shall always be kept within this state and never removed therefrom.

Business transacted in other states valid as to this state.

Proviso.

Principal business office shall always be kept within this state. Fraternal orders doing business in other states may be admitted to this state on same terms.

SEC. 92. That any such fraternal beneficiary society as is defined by this act, organized and doing business under the laws of another state, district, province or territory, may be admitted to transact business in this state upon the same conditions as are prescribed by section sixty-two, sub-section one, two, three and five: *Provided*, that the fees therefor shall be twenty-five dollars, and such order shall not be required to have the capital specified in said section.

#### PENALTIES, FORFEITURES. ETC.

SEC. 93. The person, if other than the insurance commissioner, or his deputy, upon whose complaint a conviction is had for violation of the law prohibiting insurance in, or by foreign companies not authorized to do business in the state, or for soliciting, examining, inspecting any risk, or receiving, collecting or transmitting any premium, or adjusting or aiding in the adjustment of a loss, under a contract made otherwise than authorized by the laws of this state, shall be entitled to one-half of the fine recovered upon sentence therefor.

Person making complaint shall receive half of fine.

SEC. 94. Any person who shall assume to act as an insurance agent or insurance broker without license therefor as herein provided, or who shall act in any manner in the negotiation or transaction of unlawful insurance with a foreign insurance company not admitted to do business in this state, or who as principal or agent shall violate any provision of this act in regard to the negotiation or effecting of contracts of insurance, shall be guilty of a misdemeanor, and upon

Persons acting as agent without license, etc., guilty of a misdemeanor.

conviction shall be punished by a fine of not less than one hundred nor more than five hundred dollars for each offense.

Unlawful for agents failing to make statement and file affidavit.

SEC. 95. Any person licensed under the provisions of section sixty-eight, who shall procure or act in any manner in the procurement or negotiation of insurance in any unauthorized foreign company, and shall neglect to make and file the affidavit and statements as such section requires, shall forfeit his license and be punished by a fine of not less than one hundred nor more than five hundred dollars, or by imprisonment for more than one year or by both.

Circulation of advertisements in violation of section 18 unlawful.

SEC. 96. Any company or any agent thereof issuing or circulating advertisements in violation of section eighteen shall be punished by a fine of not less than fifty or more than two hundred dollars.

Failure to file annual statement unlawful.

SEC. 97. Any company that neglects to make and file its annual statement in the form and within the time provided in this act shall forfeit one hundred dollars for each day's neglect, and upon notice by the insurance commissioner to that effect its authority to do new business shall cease while such default continues. For willfully making a false annual or other statement it is required by law to make, an insurance company and the persons making oath to or subscribing the same shall severally be punished by a fine of not less than five hundred nor more than one thousand dollars. Any person making oath to such false statement shall be guilty of the crime of perjury.

Persons falsely making oath guilty of perjury.

Making reinsurance in violation of section 63.

SEC. 98. For making any reinsurance in violation of section sixty-three, an insurance agent and the company effecting or acting in the negotiation of such reinsurance shall severally be punished by a fine of five hundred dollars.

Making of fire insurance in violation of section 55.

SEC. 99. Any insurance company or agent who shall make, issue or deliver a policy of fire insurance in willful violation of section fifty-five shall forfeit for each offense not less than fifty nor more than two hundred dollars; but such policy shall, nevertheless, be binding upon the companies issuing the same.

Officers giving guarantee to policy-holder against assessments.

SEC. 100. Any director or other officer of a mutual fire insurance company who, either officially or privately, gives a guarantee to a policy-holder thereof against an assessment to which such policy-holder would otherwise be liable, shall be punished by fine not exceeding one hundred dollars for each offense.

For violation of this act where penalty is not specifically provided. How compliance with provisions relating to deposits, etc., may be affected.

SEC. 101. For violation of any provision of this act, the penalty whereof is not specially provided for herein, the offender shall be punished by a fine of not more than five hundred dollars.

SEC. 102. Compliance with the provision of this act as to deposits, obligations and prohibitions, and the payment of taxes, fines, fees and penalties by and upon foreign insurance companies, may be enforced in the ordinary course of equity procedure by information brought in the supreme court by the attorney-general at the relation of the insurance commissioner.

SEC. 103. An insurance agent or broker who acts in negotiating a contract of insurance by an insurance company lawfully doing business in this state, and who embezzles or fraudulently converts to his own use, or with intent to use or embezzle, takes, secretes, or otherwise disposes of, or fraudulently withholds, appropriates, lends, invests, or otherwise uses or applies any money or substitute for money received by him as such agent or broker, contrary to the instructions or without the consent of the company for or on account of which the same was received by him, shall be deemed guilty of simple larceny.

Embezzlement  
of funds by  
agent.

#### FORMS.

SEC. 104. It shall be the duty of the insurance commissioner to furnish blank forms for statements, which forms may be by him from time to time changed as may be requisite to secure full information as to the standing, condition and such other information desired of companies in his department. The following, or such other forms as he may prescribe, shall be used:

Insurance com-  
missioner  
required to fur-  
nish blank forms.

#### A.—FORM OF RETURN FOR STOCK INSURANCE COMPANIES, EXCEPT LIFE.

1. State the name of company. 2. Where located. 3. When incorporated and for what period. 4. Amount of capital. 5. Amount of capital actually paid in. 6. Cash value of real estate owned. 7. Amount loaned on mortgage of real estate. 8. Amount and description of each kind of bonds and stocks owned, with par and market value. 9. Amount loaned on collateral, par and market value of each security pledged. 10. Amount of cash on hand. 11. Amount of gross premiums in course of collections. 12. Amount of bills receivable, not matured, taken for premiums. 13. Amount of all other property or investments. 14. All outstanding losses. 15. Amount of unearned premiums on policies in force. 16. All other liabilities and claims against the company. 17. Amount of cash received for premiums. 18. Amount of notes received for premiums. 19. Amount received for interest and rents. 20. Amount of income received from all other sources. 21. Amount paid for losses. 22. Amount paid for dividends. 23. Amount paid for expenses. 24. All other expenditures. 25. State amount of risks written, terminated and in force, with gross premiums thereon.

Form of return  
for stock insur-  
ance companies,  
except life.

#### B.—FORM OF RETURN OF MUTUAL COMPANIES, EXCEPT LIFE.

1. State the name of company. 2. Where located. 3. When incorporated, and for what period. 4. Amount of guarantee capital if any. 5. Cash value of real estate owned. 6. Amount loaned on mortgage of real estate. 7. Amount and description of each kind of stocks and bonds owned, with par and market value. 8. Loans

Form of return  
of mutual com-  
panies, except  
life.

on collateral, with par and market value of each security pledged. 9. Cash in office and in bank. 10. Gross premiums in course of collection. 11. All other loans, investments and property. 12. Premium notes liable to assessment. 13. Amount of scrip outstanding. 14. All outstanding losses. 15. Unearned premiums. 16. Dividends declared and unpaid. 17. Borrowed money. 18. All other liabilities and claims against the company. 19. Cash received for premiums. 20. Cash received for interest and rent. 21. Premium notes received. 22. Income from all other sources. 23. Amount paid for losses. 24. Amount paid for expenses. 25. Surplus returned to policy-holders. 26. All other expenditures. 27. Scrip dividends declared. 28. Amount of risks written, terminated and in force, with gross premiums thereon.

#### C.—FORM OF RETURN OF LIFE INSURANCE COMPANIES.

Form of return  
of life insurance  
companies.

1. The name of the company. 2. Where located. 3. When incorporated and for what period. 4. Amount of capital stock or guarantee fund. 5. Cash value of real estate owned. 6. Amount loaned on mortgages of real estate. 7. Amount and description of each kind of bonds and stocks owned, with par and market value. 8. Loans on collateral, with par and market value of each security pledged. 9. Cash in bank and in office. 10. Premium notes and loans on policies in force. 11. Outstanding and deferred premiums on policies in force. 12. All other loans, investments and property. 13. All outstanding losses and policy claims. 14. Dividends of surplus due policy-holders. 15. Forfeitures and surplus accrued, held for and to be divided to any special class of policy-holders: surplus accrued on policies in force not yet distributed. 16. All other liabilities and claims against the company. 17. Cash received for premiums. 18. Cash received for interest and rents. 19. Income from all other sources. 20. Amount paid for losses and claims. 21. Dividends of surplus to policy-holders. 22. Amount paid for expenses. 23. All other expenditures. 24. Number, date, amount and kind of each outstanding policy not heretofore returned, gross premium thereon, and age of the insured. 25. Number, date and amount of each policy which has within the year ceased to be in force, now terminated, what has been paid to the legal holder of the policy, and the age of the insured.

#### INSURANCE IN UNAUTHORIZED COMPANIES.

No action can be  
maintained  
against com-  
panies or indi-  
viduals unautho-  
rized to do  
business.

SEC. 105. No action shall be maintained in any court in the state upon any policy or contract of fire insurance issued upon any property situated in the state by any company, association, partnership, individual or individuals that have not been authorized by the insurance commissioner to transact such insurance business.

SEC. 106. No person licensed to do insurance business under this

- act shall limit the term within which any suit shall be brought against such person to a period less than one year from the time when the loss insured against shall accrue. **Limit of term within which suit may be brought.**
- SEC. 107. That foreign fire insurance companies 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 such agents as are regularly commissioned by them and licensed to write policies of fire insurance in this state. No provision of this section is intended to do or shall apply to direct insurance covering the rolling stock of railroad corporations or property in transit while in the possession and custody of railroad corporations or other common carriers. **Companies shall only do business through authorized agents.**
- SEC. 108. That all business done in this state by steam boiler, liability, accident, plate glass, and fidelity insurance companies shall be issued by their regularly authorized agents residing in the state, or transacted through applications of such agents, and all policies so issued shall be countersigned by such agents. **Business done by steam boiler, plate glass and other like companies shall be done through agents.**
- SEC. 109. 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 insurance, and upon conviction thereof shall be fined for each offense not less than one hundred (\$100), dollars nor more than two hundred (\$200) dollars—one-half to the informant and one-half to the benefit and use of the state. **Unlawful for agents to sign contracts or policies.**
- SEC. 110. That before issuing certificate of license to any fire insurance company to transact the business of fire insurance in this state the insurance commissioner shall require, in any case in addition to the requirements already provided for by law, that each and every such 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. **Penalty.**
- SEC. 111. 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 insurance commissioner 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 officer 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 such examination the insurance commissioner shall require the party or parties making complaint to file with him a good and sufficient bond to secure any expense or cost that may be necessary in making such examination, and in the event that the insurance com- **Companies shall file with insurance commissioner affidavit that it has not violated any of the provisions of this act.**
- Complaints filed that company is violating provisions of this act.**
- Parties making complaint shall file bond.**

pany 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.

Companies violating act or refusing to submit to examination of books, etc., shall forfeit right to do business in North Carolina.

SEC. 112. That any 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 insurance commissioner shall immediately revoke the license already issued to said insurance company to do business in this state.

Companies failing to pay expenses of examination.

SEC. 113. That if any such company shall fail or refuse to pay expenses of examination upon the presentation of a bill therefor by the insurance commissioner, then the insurance commissioner 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 heard.

Persons acting as adjusters contrary to this act, guilty of misdemeanor.

SEC. 114. 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 the state, shall be deemed guilty of a misdemeanor and shall upon conviction be fined not less than two hundred dollars or more than five hundred dollars, one-half to go to the sheriff or informant, or imprisoned not less than six months or more than two years, or both, in the discretion of the court.

Persons soliciting or taking business, etc., contrary to this act, guilty of a misdemeanor.

SEC. 115. Every person who, either as principal or agent, or pretending to be such, shall solicit, examine or inspect any risk, or shall examine into, adjust, or aid in adjusting any loss, or shall receive, collect or transmit any premium of insurance, or shall do any other act in the soliciting, making or executing any contract of insurance of any kind otherwise than this act permits, shall be deemed guilty of a misdemeanor, and on conviction shall pay a fine of not less than two hundred dollars or more than five hundred dollars, one-half to go to sheriff or informant, or to be imprisoned not less than one or more than two years, or both, at the discretion of the court.

Provisions of this act to be construed as continuation of existing laws.

SEC. 116. The provision of this act, so far as they are the same as those of existing laws, shall be construed as a continuation of such laws and not as new enactments; and the repeal by this act of any provision of law shall not effect [affect] any act done, liability incurred or any right accrued and established, or any suit or prosecution, civil or criminal, pending or to be instituted to enforce any right or

penalty or punish any offense under the authority of the repealed laws.

SEC. 117. That chapter twenty-nine, volume eleven of The Code; chapter two hundred and ninety-nine, laws of one thousand eight hundred and ninety-three (1893); chapter three hundred, laws of one thousand eight hundred [and] ninety-three (1893); chapter two hundred and seventy (270) and three hundred and twenty-nine (329), and forty-eight (48), laws of one thousand eight hundred [and] ninety-five (1895); chapter one hundred [and] sixty-three (163), and one hundred [and] sixty-seven (167), laws of one thousand eight hundred [and] ninety-seven (1897), are hereby repealed, and any other laws and clauses of laws in conflict with this act be and the same are hereby repealed.

Certain laws relating to insurance repealed.

SEC. 118. This act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1899.

CHAPTER 55.

An act to amend section two thousand one hundred and fifty-five of The Code, relating to the probate of wills.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section two thousand one hundred and fifty-five of The Code be amended by inserting in line three of said section, after the word "state," and before the word "disposing," the words "or that a will has been made in the state, and the witnesses thereto have moved out of the state," and by adding to said section as follows: "that when a will is offered for probate in one county of this state and the witnesses reside in another county, the clerk of the court before whom such will is offered shall have power and authority to issue a subpoena for said witnesses requiring them to appear before him and prove said will; and said clerk shall likewise have power and authority to issue a commission to take the deposition of said witnesses when they reside more than seventy-five miles from the place where the will is to be probated. such deposition and commission to be returned and the clerk to adjudge the will to be duly proven as in said section provided.

Amended.

Probate will—witnesses, etc. Proof of will made outside of state.

Clerk—power.

Commission to take depositions.

SEC. 2. This act shall be in force from and after its ratification. Ratified the 10th day of February, A. D. 1899.

## CHAPTER 56.

## An act for the relief of sheriffs.

*The General Assembly of North Carolina do enact :*

Time extended  
for collecting  
arrears of taxes.

SECTION 1. That all tax collectors and sheriffs who by virtue of their office have had the tax list for the purpose of collecting the taxes of their respective counties in their hands for the years eighteen hundred and ninety-five, eighteen hundred and ninety-six and eighteen hundred and ninety-seven 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 collection of taxes.

Persons not com-  
pellable to pay  
taxes—affidavit—  
administrators,  
etc.

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, administrator or guardian be compelled to pay any tax under the provisions of this act.

Sheriffs, etc., not  
relieved from  
liability to collect  
at time and place  
fixed by law.

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 authority  
shall determine.

SEC. 4. That the authority herein given shall cease and determine on the thirty-first day of December, eighteen hundred and ninety-nine: *Provided*, that no tax collector or sheriff shall collect or receive any cost under this act.

Proviso.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 10th day of February, A. D. 1899.

## CHAPTER 57.

## An act in relation to bankrupts.

*The General Assembly of North Carolina do enact :*

Promises not in  
writing not  
receivable in  
evidence.

SECTION 1. That no promise to pay a debt discharged by any decree of a court of competent jurisdiction, in any proceeding in bankruptcy, shall be received in evidence in any of the courts of the state of North Carolina unless such promise shall be in writing and signed by the party to be charged therewith.

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

Ratified the 10th day of February, A. D. 1899.

## CHAPTER 58.

## An act to provide for the investigation of incendiary fires.

*The General Assembly of North Carolina do enact :*

SECTION 1. The insurance commissioner in the city of Raleigh and the chief of the fire department or fire committee of the board of aldermen in other cities and towns are hereby authorized to investigate the cause, origin and circumstances of every fire occurring in such cities or towns in which property has been destroyed or damaged, and shall specially make investigation whether such fire was the result of carelessness or design. Such investigation shall be begun within three days, not including the Lord's day, of the occurrence of such fire, and the insurance commissioner shall have the right to supervise and direct such investigation whenever he deems it expedient or necessary. The board making investigation of fires occurring in cities and towns other than the city of Raleigh may forthwith notify said insurance commissioner, and shall within one week of the occurrence of the fire furnish to the said insurance commissioner a written statement of all the facts relating to the cause and origin of the fire, the kind, value and ownership of the property destroyed, and such other information as may be called for by the blanks provided by the said insurance commissioner. The insurance commissioner shall keep in his office a record of all fires occurring in the state, together with all facts, statistics and circumstances, including the origin of the fires, which may be determined by the investigations provided for by this act: such record shall at all times be open to public inspection.

SEC. 2. It shall be the duty of said insurance commissioner to examine, or cause examination to be made, into the cause, circumstances and origin of all fires occurring within the state to which his attention has been called in accordance with the provisions of said section one of this act, by which property is accidentally or unlawfully burned, destroyed or damaged, whenever in his judgment the evidence is sufficient, and to specially examine and decide whether the fire was the result of carelessness or the act of an incendiary. The said insurance commissioner shall, when in his opinion said proceedings are necessary, take or cause to be taken the testimony on oath of all persons supposed to be cognizant of any facts or to have means of knowledge in relation to the matters as to which an examination is herein required to be made, and shall cause the same to be reduced to writing; and if he shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson he shall cause such person to be arrested and charged with such offense, and shall furnish to the solicitor of the district all such

Insurance commissioner and chiefs of fire departments authorized to investigate origin of fires.

When such investigation shall be begun.

Insurance commissioner shall be notified.

Description of property.

Insurance commissioner shall keep record of fires.

Insurance commissioner shall cause examination to be made.

Testimony may be taken on oath

May cause arrest of persons suspected of arson.

evidence, together with the names of witnesses and all the information obtained by him, including a copy of all pertinent and material testimony taken in the case.

Insurance commissioner shall have powers of a trial justice.

SEC. 3. The insurance commissioner shall have the powers of a trial justice for the purpose of summoning and compelling the attendance of witnesses to testify in relation to any matter which is by the provisions of this act a subject of inquiry and investigation. Said insurance commissioner may also administer oaths and affirmations to persons appearing as witnesses before them; and for false swearing in any matter or proceeding aforesaid shall be deemed perjury and shall be punished as such. Said insurance commissioner shall have authority at all times of the day or night, in the performance of the duties imposed by the provisions of this act, to enter upon and examine any building or premises where any fire has occurred, and other buildings and premises adjoining or near the same. All investigations held by or under the direction of the insurance commissioner may in his discretion be private, and persons other than those required to be present by the provisions of this act may be excluded from the place where such investigation is held, and witness may be kept separate and apart from each other, and not allowed to communicate with each other until they have been examined.

False swearing deemed perjury.

Investigations may be private.

Commissioner or chief of fire department empowered to enter buildings and premises.

SEC. 4. The insurance commissioner, or the chief of fire department or fire committee of the board of aldermen, shall have the right at all reasonable hours, for the purpose of examination, to enter into and upon all buildings and premises within their jurisdiction. Whenever any of said officers shall find in any building or upon any premises combustible material or inflammable conditions dangerous to the safety of such building or premises they shall order the same to be removed, or remedied, and such order shall be forthwith complied with by the owner or occupant of said building or premises: *Provided, however,* that if the said owner or occupant shall deem himself aggrieved by such order he may, within twenty-four hours, appeal to the insurance commissioner, and the cause of the complaint shall be at once investigated by the direction of the latter, and unless by his authority the order of the fire chief or fire committee above named is revoked such order shall remain in force and be forthwith complied with by said owner or occupant. The insurance commissioner, fire chief or fire committee as aforesaid shall make an immediate investigation as to the presence of combustible material or the existence of inflammable conditions in any building or upon any premises under their jurisdiction upon complaint of any person having an interest in said buildings or premises or property adjacent thereto. Any owner or occupant of buildings or premises failing to comply with the orders of the authorities

May order removal of combustible material.

Proviso.

Owner deeming himself aggrieved may appeal.

Investigation of combustible or inflammable material.

above specified shall be punished by a fine of not less than ten dollars nor more than fifty dollars for each day's neglect.

SEC. 5. Any city or town officer, referred to in section one, who neglects or refuses to comply with any of the requirements of this act shall be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars.

SEC. 6. Any expenses incurred by the insurance commissioner in the performance of the duties imposed upon [him] by the provisions of this act shall be defrayed by the fire insurance companies doing business in this state, and a tax of one-tenth of one per centum on the gross premium receipts of all such companies is hereby levied for this purpose, to be collected by said insurance commissioner as other taxes on insurance companies are collected. The insurance commissioner shall keep a separate account of all moneys received and disbursed under the provisions of this act, and shall include same in his annual report.

SEC. 7. The insurance commissioner shall submit annually, as early as consistent with full and accurate preparation and not later than the first day of February, a detailed report of his official action under this act and it shall be embodied in his annual report to the legislature.

SEC. 8. This act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1899.

Failure to comply with orders. Penalty.

City or town officers failing to comply with provisions of this act shall be punished.

Expenses incurred shall be defrayed by fire insurance companies doing business in North Carolina. Tax for said purpose.

Insurance commissioner shall keep separate account of such moneys.

Insurance commissioner shall submit annual report in reference to the execution of this act.

## CHAPTER 59.

An act to prohibit hunting, fishing, trapping or netting game of any kind upon the lands of another in Alamance and Moore counties.

*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any person to hunt, fish, trap or net game of any kind upon the lands of another, without first having obtained permission so to do from the owner of said land.

Hunting, fishing, trapping, etc., forbidden.

SEC. 2. Any person violating the provisions of section one of this act shall be guilty of a misdemeanor, and upon conviction thereof fined not less than five dollars nor more than fifty dollars, or imprisoned not less than ten days nor more than thirty days.

Violations—misdemeanor—punishment.

SEC. 3. That this act shall apply to Alamance and Moore county [counties] only.

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

Ratified the 10th day of February, A. D. 1899.

## CHAPTER 60.

**An act to change the inscription on the corner-stone of the new buildings  
of the North Carolina Institution for Blind.**

*The General Assembly of North Carolina do enact :*

Change of corner-  
stone—what to  
show.

SECTION 1. That the face of the corner-stones which have been placed in the new buildings erected in 1898 upon the grounds of the North Carolina Institution for the Blind be so dressed and changed as to show only the date of the founding of said institution, and the date of the erection of these new buildings.

Bronze tablet—  
names.

SEC. 2. That in some suitable position within the said new buildings there shall be placed a tablet of bronze or stone bearing the names of the men upon whose motion and plans said new buildings were conceived, planned and erected, to wit: B. F. Montague, chairman board; J. A. Brigg, chairman building committee; I. M. Proctor, H. Morson, C. F. Meserve, H. C. Her-ring, J. R. Williams, John E. Ray, principal; F. P. Milburn, architect.

Compliance with  
act—limit.  
Failure—misde-  
meanor—punish-  
ment.

SEC. 3. That the board of trustees of said institution shall comply with the provisions of this act within thirty days from its ratification; and upon failure to do so, shall be guilty of a misdemeanor and may, upon conviction, be punished within the discretion of the court.

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

Ratified the 10th day of February, A. D. 1899.

## CHAPTER 61.

**An act to prohibit hunting birds in Buncombe, Lincoln and Iredell  
counties.**

*The General Assembly of North Carolina do enact :*

Unlawful hunt-  
ing.

SECTION 1. That it shall be unlawful for any person to hunt birds upon the lands of another in the counties of Buncombe, Lincoln and Iredell with or without guns or dogs, except by the written consent of the owner.

Violations—mis-  
demeanor—pun-  
ishment.

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 and after its ratification.

Ratified the 10th day of February, A. D. 1899.

## CHAPTER 62.

## An act to provide a manner in which foreign corporations may become domestic corporations.

*The General Assembly of North Carolina do enact :*

SECTION 1. That every telegraph, telephone, express, insurance, steamboat and railroad company incorporated, created and organized under and by virtue of the laws of any state or government other than that of North Carolina, desiring to own property or to carry on business or to exercise any corporate franchise whatsoever in this state, shall become a domestic corporation of the state of North Carolina by filing in the office of the secretary of state a copy of its charter duly authenticated in the manner directed by law for the authentication of statutes of the state or country under the laws of which such company or corporation is chartered and organized, and a copy of its by-laws duly authenticated by the oath of its secretary. Such corporation shall pay therefor to the secretary of state, to be turned over by him into the state treasury, such fees as are or may be required by law.

Foreign corporations may become domestic corporations, how.

By-laws.

Charges.

SEC. 2. That if any such charter or by-laws, or any part thereof, filed in the office of the secretary of state shall be in contravention or violation of the laws of this state, such charter or by-laws or such part thereof as are in conflict with the laws of this state shall be null and void in this state.

Conflicting provisions of charters, etc., null and void.

SEC. 3. That when any such corporation shall have complied with the provisions of this act above set out, it shall thereupon immediately become a corporation of this state and shall enjoy the rights and privileges and be subject to the liability of corporations of this state the same as if such corporation had been originally created by the laws of this state. It may sue and be sued in all courts of this state and shall be subject to the jurisdiction of the courts of this state as fully as if such corporation were originally created under the laws of the state of North Carolina.

Compliance—domestic corporation.

Rights, etc.

Liabilities, etc.

May sue, etc.

Jurisdiction of state courts.

SEC. 4. That on and after the first day of June, eighteen hundred and ninety-nine, it shall be unlawful for any such corporation to do business or to attempt to do business in this state without having fully complied with the requirements of this act.

Unlawful to do business, etc.

SEC. 5. Any such corporation violating any provision of this act shall forfeit to the state of North Carolina a penalty of two hundred dollars for each and every day after the first day of June, eighteen hundred and ninety-nine, on which such corporation shall have continued to operate or do business without having complied with the requirements of this act. Such penalty shall be recoverable by the treasurer of the state for the benefit of the state of North Carolina, and it shall be his duty to sue for such forfeitures in the superior court of Wake county as the same accrue.

Violations—penalty.

Recovery of penalty.

Foreign corporations forbidden to sue, etc.

SEC. 6. No telegraph, telephone, express, insurance, steamboat or railroad company, which is a foreign corporation of another state doing business in North Carolina, shall be allowed to sue in the courts of North Carolina on or after June first, eighteen hundred and ninety-nine, until such foreign corporation has become a domestic corporation, either by a special act of the legislature or under the provisions of this act.

Forbidden to contract, etc.

SEC. 7. No such foreign corporation, mentioned in the preceding section of this act, shall be allowed to enter into a contract in the state of North Carolina on or after the first day of June, eighteen hundred and ninety-nine, nor shall any such contract heretofore or hereafter made or attempted to be made and entered into by such corporation in the state of North Carolina be enforceable by such corporation unless such corporation shall on or before the first day of June, eighteen hundred and ninety-nine, become a domestic corporation under and by virtue of the laws of North Carolina.

Contracts non-enforceable, etc.

Additional penalty, etc.

SEC. 8. Any such corporation violating the provisions of this act by doing any business in this state without first becoming a domestic corporation in the manner prescribed by law, shall, in addition to the penalty prescribed in section five of this act, forfeit a penalty of five hundred dollars for each day any such business shall be done by it in the state of North Carolina on and after the first day of June, eighteen hundred and ninety-nine. The amount so forfeited under the provisions of this section shall be recovered by the treasurer of North Carolina and it shall be the duty of said state treasurer to institute suit for same in the superior court of Wake county: *Provided*, the business contemplated in this section of this act does not embrace such business as is strictly the business of interstate commerce.

Recovery, etc.

Duty state treasurer.

Conflicting laws repealed.

SEC. 9. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

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

Ratified the 10th day of February, A. D. 1899.

## CHAPTER 63.

### An act to amend chapter three hundred and fourteen of the public laws of eighteen hundred and ninety-seven.

*The General Assembly of North Carolina do enact :*

Chapter 314, laws 1897, relating to Duplin and Wayne Railway, amended

SECTION 1. That section six of chapter three hundred and fourteen of the public laws of eighteen hundred and ninety-seven be amended by substituting the word "Pender," in the fourth line of said section, for the word "Duplin."

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

Ratified the 10th day of February, A. D. 1899.

## CHAPTER 64.

## An act to amend chapter forty-nine of The Code of eighteen hundred and eighty-three.

*The General Assembly of North Carolina do enact :*

SECTION 1. That sections two thousand and seven, two thousand and eight, two thousand and nine, two thousand and ten and two thousand and twelve of chapter forty-nine of The Code of eighteen hundred and eighty-three, be amended by inserting the words, "or telephone" after the word "telegraph" wherever the same is used in said sections.

Chapter 49, Code, relating to corporations amended.

SEC. 2. That section two thousand and ten of said chapter forty-nine be further amended as follows: By striking out all after the word "*Provided*," in line nineteen in said section, and inserting the following in lieu thereof, "that only the interest of such parties as are brought before the court shall be condemned in any such proceedings; and if the right-of-way of a railroad or railway company extends into or through more counties than one, the whole right and controversy may be heard and determined in one county into or through which such right of-way extends: *Provided further*, that it shall not be necessary for the petitioner to make any survey of or over the right-of-way, nor to file any map or survey thereof, nor to file any certificate of the location of its line by its board of directors."

Interest in condemnation proceedings—where hearing may be had. Proviso.

SEC. 3. That section two thousand and eleven of said chapter forty nine be amended as follows: By striking out the word "easement" in line nine of said section, and insert in lieu thereof the words "right-of-way."

Section 2011 amended.

SEC. 4. That section two thousand and twelve of said chapter forty-nine be further amended as follows: By inserting between the words "chapter" and "for," in line ten of said section, the following "or any amendments thereto."

Section 2012 amended.

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

Conflicting laws repealed.

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

Ratified the 8th day of February, A. D. 1899.

## CHAPTER 65.

## An act to amend sections five hundred and eighty-one and five hundred and eighty-two of The Code.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section five hundred and eighty-one (581) of The Code be amended by inserting between the words "court,"

Section 581, Code, relating to examinations of

witnesses before  
trial amended.

and "or," in line four of said section, the words, "or a commissioner duly appointed as provided in section thirteen hundred and fifty-seven (1357) of The Code."

Section 582  
amended.

SEC. 2. That section five hundred and eighty-two (582) of The Code be amended by inserting between the words "clerk" and "in," in line five of said section, the words "or commissioner."

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

Ratified the 8th day of February, A. D. 1899.

#### CHAPTER 66.

##### An act to validate certain probates and registrations.

*The General Assembly of North Carolina do enact :*

Registration  
made valid in  
certain cases.

SECTION 1. That in all cases where a deed or mortgage conveying land in this state has been heretofore proven by a subscribing witness or acknowledged by the maker thereof before a notary public who failed to attach to his certificate his notarial seal, and said deed or mortgage has been ordered to be registered by the clerk of the superior court of the county in which the land conveyed by said deed or mortgage is situated, and such deed or mortgage has been registered, such registration shall be as valid and binding to all intents and purposes as if such proof or acknowledgment had been taken by the clerk of the superior court of the county in which said land is situated: *Provided*, that nothing herein shall effect the rights of third parties who are purchasers for value and without notice.

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

Ratified the 8th day of February, A. D. 1899.

#### CHAPTER 67.

##### An act to amend chapter one hundred and fourteen of the public laws of eighteen hundred and ninety-five.

*The General Assembly of North Carolina do enact :*

Chapter 114, laws  
1895, relating to  
appointment  
of special tax  
collector.

SECTION 1. That chapter one hundred and fourteen (114) of the public laws of one thousand eight hundred and ninety five be and the same is hereby amended as follows: By striking out the words "and Robeson" in line one of section one.

Conflicting laws  
repealed.

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

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

Ratified the 10th day of February, A. D. 1899.

CHAPTER 68.

An act to amend chapter thirty-eight of The Code in regard to the Board of Internal Improvements.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section one thousand six hundred and eighty-eight of The Code be and the same is hereby repealed, and the following substituted therefor: "The Board of Internal Improvements shall consist of nine members, to be elected biennially by the general assembly on joint ballot, one of whom shall be from each congressional district, any five of whom shall constitute a board for the transaction of business; and in case of vacancies occurring in the board, the same shall be filled by the other members. The said board shall be a corporate body under the name and style of the Board of Internal Improvements, and shall have all the rights, powers and privileges of a corporation, necessary to enable it to discharge the duties imposed upon it. The first meeting of said board shall be held in the city of Raleigh on the twenty fourth day of February, eighteen hundred and ninety-nine.

Section 1688, Code, repealed.

Board Internal Improvements—nine members—quorum.

Vacancies, how filled.

Body corporate.

Rights, powers, et c. First meeting.

SEC. 2. That section one thousand six hundred and eighty-nine of The Code be amended by striking out the first and second lines thereof down to the words "may appoint," in the second line, and by inserting the following therefor: "The members of said board shall elect a president and said board may hold its sessions whenever and wherever the president may direct."

Amended.

President—meetings.

SEC. 3. That section one thousand seven hundred and eighteen of The Code be amended by striking out the word "directors," in the first line of said section, and inserting in lieu thereof the word "members."

Amended.

SEC. 4. That chapter thirty eight of The Code as amended by this act is re-enacted.

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

Conflicting laws repealed.

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

Ratified the 10th day of February, A. D. 1899.

CHAPTER 69.

An act to amend section one hundred and fourteen of The Code of North Carolina.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section one hundred and fourteen of The Code be amended by adding the following: "Provided, that the clerk of the superior court of Bertie county may absent himself from

Section 114, Code amended.

Proviso.

his office on any Monday except the first Monday in each month by providing a competent deputy to keep his said office open and to transact the business thereof."

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

Ratified the 8th day of February, A. D. 1899.

## CHAPTER 70.

An act to amend chapter one hundred and sixty-one of the laws of eighteen hundred and ninety-five, entitled "An act to confer jurisdiction of the probate of deeds in certain cases."

*The General Assembly of North Carolina do enact :*

Jurisdiction extended to county of Bertie.

SECTION 1. That chapter one hundred and sixty-one, acts of eighteen hundred and ninety-five, as amended by chapter eighty-seven, acts of eighteen hundred and ninety-seven, be amended by adding in section four (4) thereof, after the word "Beaufort," in the last line, the words, "and the county of Bertie."

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

Ratified the 8th day of February, A. D. 1899.

## CHAPTER 71.

An act to incorporate the "Beaufort and Pamlico Railroad Company."

*The General Assembly of North Carolina do enact :*

Corporators.

SECTION 1. That Peter Whaley, S. H. Whaley, and William B. Rodman, all of the county of Beaufort, their associates, successors and assigns, are hereby created and constituted a body politic and corporate under the name and style of the "Beaufort and Pamlico Railroad Company," and as such shall have a corporate existence for the period of sixty (60) years, and by that name may sue and be sued, plead and be impleaded; may have and use a common seal, which may be altered at the will of the said company.

Body corporate, etc.—name.

Limit of corporate life. May sue and be sued, etc. Common seal.

May hold property and convey same.

Timber lands—limit.

SEC. 2. That the said corporation shall be capable of acquiring by purchase, gift or otherwise, and of holding, leasing, conveying or mortgaging property, real, personal or mixed, and may own and hold standing and growing timber and timber lands in excess of three hundred acres but not exceeding one hundred

thousand acres; that 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 for its government, not inconsistent with the constitution and laws of the United States and the state of North Carolina.

SEC. 3. That the capital stock of said company shall consist of twenty thousand dollars, divided into two hundred shares of the par value of one hundred dollars each, which said stock may be subscribed in land, material, labor, money, or bonds. That the capital stock may be increased at any time by a vote of the stockholders to an amount not exceeding one hundred thousand dollars.

SEC. 4. That the books of subscription to the capital stock may be opened at such time and place, under such rules and regulations, as the incorporators or a majority of them may direct.

SEC. 5. That when the sum of five thousand dollars has been subscribed to the capital stock of the said company and ten per centum thereof has been paid in, a general meeting of the stockholders shall be held, after five days' notice to the subscribers.

That at such general meeting, the stockholders (the majority of the stock being represented in person or by proxy), shall elect a board of directors, to consist of not less than three and not more than nine, and shall elect one of the said directors as president, and may do and perform all other acts necessary and proper to complete the organization of the said company and to carry into effect the object of this charter, in accordance with the direction of the stockholders. That in all stockholders' meetings each share of stock shall be entitled to one vote. That immediately after the general meeting of the stockholders, the directors elected at such stockholders' meeting shall meet and elect such other officers for the said company as the by laws may prescribe. That there shall be annual meetings of the stockholders to be held at such time and place as the stockholders may designate, and at such annual meetings the president and directors shall be elected, who shall hold office for one year and until their successors are elected and qualified.

SEC. 6. That the said company, upon its organization, shall have the power and authority to construct, build, maintain and operate a railroad from some point in Beaufort county, on either Durham's creek, Pamlico river or South creek, to some point on Neuse river or its tributaries in Pamlico county, and may build branch roads running out from the main line, not exceeding twenty miles in length; that said road and branches may be of such gauge as the company may select and may be changed at any time; that the said company shall have the power to build, own and operate, in connection with said road, steamboats either for towing, carrying freight or passengers if the said company

Rights, immunities, by-laws.

Capital stock.  
Shares

Stock, in what subscribed.  
Increase of capital stock.

Subscription books, etc.

Stock holders' meeting—notice.

Board of directors—how many.

President—complete organization

Stock—vote.

Officers.

Annual meetings of stockholders—time, etc.

President and directors elected—when.  
Term of office.

May build railroad—where.

May build branch roads—limit.

Gauge—change of gauge.

Steamboats.

- shall so desire; that the said company need not become a common carrier of freight or passengers unless it so elect; that the said company may contract with any person, firm or corporation to carry logs or timber for said person, firm or corporation without becoming a common carrier, and may charge therefor such sum as the said company and said person, firm or corporation may mutually agree upon; that the said company may carry agricultural products from the country adjacent to its lines to market without becoming a common carrier and may charge therefor such sum as may be agreed upon for such services; that if the said company shall desire to become a common carrier of freight or passengers it shall have the power and authority so to do, but shall give notice of such intention by publishing the same in some newspapers published, one in Craven, one in Pamlico and one in Beaufort county, if any there be; that the branch roads may be taken up by said company at any time it may elect; that the said road may be operated either by steam or electricity.
- SEC. 7.** That the said company shall have full power to locate, construct, equip and operate telephone lines or telegraph lines in or through the counties of Beaufort, Pamlico or Craven, with full power as given herein for the construction and operation of the said railroad, and make such traffic arrangements with other telegraph or telephone lines as it may desire, not inconsistent with the laws of the state of North Carolina, and may charge for the use of the said line or lines such tolls as the said company may fix, not inconsistent with the laws of the state of North Carolina.
- SEC. 8.** That 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 may hold shares in the same. It may buy, sell, own, hold and deal in real estate, standing trees or lumber, lumber materials and supplies, and all other goods, wares and merchandise of any and all kinds; it may build, own, equip and operate sawmills, planing mills, shingle mills, dry-kilns, hotels, boarding houses and all other buildings, mills, machinery, apparatus, necessary and convenient for the conduct of any part of its business; it may contract to cut and remove timber from any lands adjacent to its road or branches therefrom, and may build branch roads into any timber land it may own or from which it may contract to remove the timber, and remove the said branch lines at pleasure.
- SEC. 9.** That the said company shall have power to lease its franchises or any part thereof for such time and upon such terms as they may think advantageous to the interest of the company. That the president and directors of the said company shall
- May become a common carrier at its own election. Contracts.
- May charge for carrying, etc.
- Common carrier—notice.
- Branch roads may be taken up.
- May construct and operate telephone lines.
- May charge tolls.
- May subscribe to the capital stock of other corporations.
- May deal in real estate, lumber, etc.
- May own and operate sawmills, etc.
- Lease of franchises.

- have power at any time to borrow money upon the bonds of the company, and to secure the same by mortgage or other legal securities. That the said company shall have full power and it is hereby authorized to use any section of the said road constructed by it before the whole of the said road shall be completed, and may charge for the transportation thereon and contract for transportation thereon as hereinbefore provided.
- SEC. 10. 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 anything necessary or proper to be done for laying out the said road and locating the same and for the purpose of erecting all necessary works and buildings requiring 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 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 land of 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.
- SEC. 11. That it shall not be necessary for the said company to file in the office of the clerk of the superior court of either Craven, Pamlico or Beaufort county, any map or profile of the route intended to be adopted by such company in constructing said road or any part thereof. It shall not be necessary for the com-

Borrow money.

Section of road—  
use—tolls, etc.Entrance upon  
lands, etc.Injury to private  
property.Value of land  
entered upon,  
how determined.Considerations in  
estimating  
damages.

Report.

Papers filed, etc.

Title to land,  
how to pass.  
*Provido*.Map—profile, etc.  
—condition.

pany to make and file in the office of register of deeds of the said county any map or profile of said road and the land taken or obtained for the use thereof unless the said company elects to be come a common carrier of freight and passengers as herein provided, in which event the said maps and profile shall be filed.

Stock non assessable—non-liability.

SEC. 12. That none of the stock in the said company shall be assessable, nor shall the owner thereof be liable for the obligation, indebtedness or any liability whatever of the said corporation.

Conflicting laws repealed.

SEC. 13. That all laws and parts of laws in conflict with this act be and the same are hereby repealed in so far as they conflict with this act.

SEC. 14. That this act shall take effect from and after its ratification.

Ratified the 10th day of February, A. D. 1899.

#### CHAPTER 72.

**An act to amend chapter four hundred and twenty-six of the public laws of eighteen hundred and ninety-three.**

*The General Assembly of North Carolina do enact :*

Chapter 423, laws 1893, relating to North Carolina Industrial Association.

SECTION 1. That chapter four hundred and twenty-six of the public laws of eighteen hundred and ninety-three be amended by striking out the word "farm" in sections one, two and three and insert in lieu thereof the words "public roads or streets."

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

Ratified the 10th day of February, A. D. 1899.

#### CHAPTER 73.

**An act to repeal chapter two hundred and seventeen, laws of eighteen hundred and ninety-five, and chapter one hundred and nineteen, laws of eighteen hundred and ninety-seven.**

*The General Assembly of North Carolina do enact :*

Laws relating to normal school for colored race repealed.

SECTION 1. That chapter two hundred and seventeen, public laws of eighteen hundred and ninety-five, and chapter one hundred and nineteen, public laws eighteen hundred and ninety-seven be and the same are hereby repealed.

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

Ratified the 10th day of February, A. D. 1899.

## CHAPTER 74.

An act to amend chapter two hundred and ninety-seven of the public acts of eighteen hundred and ninety-five.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section (3) three, chapter (297) two hundred and ninety-seven of the public acts of one thousand eight hundred and ninety-five (1895) be amended by adding the words "Beaufort county" to the list of counties exempted from the operation of said act.

Chapter 297, laws 1895, relating to graded schools Elections for special school taxes held in all counties in the state amended.

SEC. 2. This act shall be in force from and after its ratification.  
Ratified the 13th day of February, A. D. 1899.

## CHAPTER 75.

An act to amend section three thousand one hundred of The Code.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section three thousand one hundred of The Code be amended by inserting in line four (4) thereof, after the word "term" and before the word "and" the words "except the word limited."

Section 3100, Code, relating to limited partnerships, amended

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

Ratified the 13th day of February, A. D. 1899.

## CHAPTER 76.

An act to provide for the free passage of fish in Mingo creek.

*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any person to place, keep or maintain any wire net trap or any obstruction whatever to the free passage of fish in Mingo creek in the counties of Cumberland, Sampson, Harnett and Johnston: *Provided*, this section shall not apply to mill dams.

Obstruction by wires, nets, traps, etc.

Proviso.

SEC. 2. Any person violating the provisions of this act, upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Violations—conviction—fine.

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

Ratified the 13th day of February, A. D. 1899.

## CHAPTER 77.

An act to ratify the consolidation of the Petersburg Railroad Company with the Richmond and Petersburg Railroad Company, under the name of the Atlantic Coast Line Railroad Company of Virginia, and to incorporate the said Atlantic Coast Line Railroad Company of Virginia in North Carolina.

Preamble.

WHEREAS, the Richmond and Petersburg Railroad Company, a corporation created by the laws of the state of Virginia, has by virtue of the power given by an act of the general assembly of Virginia, approved March the first, eighteen hundred and ninety-eight, acquired the ownership of all the property, rights and franchises of the Petersburg Railroad Company, including that portion thereof which is located in this state, and the said Richmond and Petersburg Railroad Company and Petersburg Railroad Company have become consolidated under and upon the terms of said act, and such consolidated company has, by virtue of the authority given in said act, changed its name to the Atlantic Coast Line Railroad Company of Virginia; now, therefore,

*The General Assembly of North Carolina do enact :*

Purchase ratified.

SECTION 1. That the purchase by the said Richmond and Petersburg Railroad Company of that portion of the road-bed and other property, rights and franchises of the Petersburg Railroad Company which are in the state of North Carolina is hereby ratified and approved.

Atlantic Coast Line made a domestic corporation.

SEC. 2. That the Atlantic Coast Line Railroad Company of Virginia, a corporation created by and existing under the laws of the state of Virginia, is hereby created a body politic and corporate in the state of North Carolina under and by the aforesaid name of the Atlantic Coast Line Railroad Company of Virginia, and by such name may sue and be sued, may adopt a common seal and change the same at will, and have all the general powers and be subject to all the general restrictions granted and imposed by the laws of this state to and upon railroad companies.

Name.

May sue and be sued, etc.  
Seal—powers—restrictions.

Operation of railroads.

Rights, powers, etc.

SEC. 3. The said Atlantic Coast Line Railroad Company of Virginia is hereby authorized and empowered to maintain and operate the railroad which formerly belonged to the Petersburg Railroad Company in this state, and is hereby given all the rights, powers and privileges and made subject to all the restrictions, except the restriction as to the term to which its charter is limited, granted and imposed by the charter of the said Petersburg Railroad Company or any amendments thereto in the state of North Carolina.

SEC. 4. The powers given by this act to the Atlantic Coast Line Railroad Company of Virginia are granted upon the express condition that the property of the said Atlantic Coast Line Railroad Company of Virginia in this state shall always be liable to taxation under the constitution and laws of this state, and that said company shall be subject [to] the tariffs, rules and regulations prescribed by the board of railroad commissioners.

Powers—condition—taxation—tariffs, regulations, etc.

SEC. 5. This act shall be in force from and after its ratification. Ratified the 13th day of February, A. D. 1899.

#### CHAPTER 78.

**An act to annul sections one hundred and forty-eight and one hundred and sixty-three of The Code of Civil Procedure of North Carolina removing disabilities of married women**

*The General Assembly of North Carolina do enact :*

SECTION 1. That sections one hundred and forty eight and one hundred and sixty three of chapter ten of The Code of North Carolina be amended as follows: Strike out all of sub-section four of section one hundred and forty eight, and in the last line of said section strike out the words "or discovery," and strike out all of sub-section four of section one hundred and sixty-three.

Code of Civil Procedure amended.

SEC. 2. That in all actions commenced after the ratification of this act by married women heretofore protected by sub-sections four of sections one hundred and forty-eight and one hundred and sixty-three of The Code, in which the defense of adverse possession shall be relied upon, the time computed as constituting such adverse possession shall not include any possession had against such married woman prior to the passage of this act.

Adverse possession—computation of time.

SEC. 3. That this act shall not apply to suits pending in the courts of this state at the date of its ratification.

Does not apply to suits pending.

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

Ratified the 13th day of February, A. D. 1899.

#### CHAPTER 79.

**An act to repeal chapter sixty-six, volume two of The Code.**

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter sixty-six, volume two of The Code of North Carolina, be and the same is hereby repealed.

Chapter 66, Code, repealed.

SEC. 2. That the counties of Currituck, Dare, Hyde, Carteret, Onslow, Brunswick and New Hanover are hereby divided into the following wreck districts, namely:

Counties.

Three districts in  
Currituck—  
boundaries, etc.

SEC. 3. The county of Currituck shall be divided into three districts. The first to extend from the Virginia state line to Judy's cove; the second district to extend from Judy's cove to Josephus Baums' fish house; the third district to extend from Josephus Baums' fish house to the county line of Dare.

Six districts  
in Dare—bound-  
aries, etc.

SEC. 4. That the county of Dare shall be divided in six districts. The first to extend from the county line of Currituck to the north point of Oregon inlet; the second district to extend from the north point of Oregon inlet to the south point of New inlet; the third district to extend from south point of New inlet to the patrol house between Gull Shoal and Little Kenna-keet Life Saving Stations; the fourth district to extend from the last-named patrol house to the patrol house between Big Kenna-keet and Cape Hatteras Life Saving Stations; the fifth district to extend from the last-named patrol house to Creed's Hill Life Saving Stations; sixth district to extend from Creed's Hill Life Saving Stations to the county line of Hyde county.

Two districts in  
Hyde—bound-  
aries.

SEC. 5. That the county of Hyde shall be divided into two districts. First district to extend from the Dare county line to the eastern point of the Great Swash; second district to extend from the eastern point of the Great Swash to the Carteret county line.

Five districts in  
Carteret—bound-  
aries.

SEC. 6. That the county of Carteret shall be divided into five districts. The first from the Hyde county line to Ocracoke inlet; the second from Ocracoke inlet to a southeast line from Harbor island to the sea; the third from said line to a due southeast line from Shell Point on Harker's island to the sea; fourth from the last-mentioned line to Old Topsail inlet; fifth district from the Old Topsail inlet to the Onslow county line.

Two districts in  
Onslow—bound-  
aries.

SEC. 7. The county of Onslow shall be divided into two districts. The first from Bogue inlet to New River inlet; the second from New River inlet to the New Hanover county line.

Two districts in  
New Hanover—  
boundaries.

SEC. 8. The county of New Hanover shall be divided into two districts. The first to extend from Onslow county line to Deep inlet; the second from Deep inlet to the Brunswick county line.

Two districts  
in Brunswick—  
boundaries.

SEC. 9. The county of Brunswick shall be divided into two districts. The first to extend from New inlet to Lockwood's Folly; the second from Lockwood's Folly to the South Carolina line.

Speaker of house  
to appoint—term.

SEC. 10. That the speaker of the house of representatives be and he is hereby authorized and empowered to appoint a commissioner of wrecks for each district named in this act, who shall hold their office for two years from the date of their appointment, each of whom shall enter into a bond, with good and sufficient surety, in the sum of two thousand dollars, payable to the state of North Carolina, and conditioned for the faithful performance of their duties, which shall be approved by the board

Bond and surety.  
Amount—how  
conditioned.

and approved.

of county commissioners and deposited in the office of the clerk of the superior court.

SEC. 11. That each commissioner, before entering upon the duties of his office, shall go before some officer duly authorized to administer oaths and take an oath to faithfully perform the duties of his office.

SEC. 12. That no person who holds any office of profit or trust under the laws of the United States or the state of North Carolina, nor any person who is a pilot shall hold the office of commissioner of wrecks.

SEC. 13. That each commissioner shall reside in the district for which he is appointed, unless separated by navigable waters, in which case the distance shall not exceed three miles: *Provided*, the restrictions herein contained and imposed shall not apply to Hyde county.

SEC. 14. That upon the earliest intelligence given that any ship or other vessel is stranded, it shall be the duty of the commissioner in whose district the same is stranded, or his duly authorized agent, to proceed at once to such wreck, and upon the permission of the master of such wrecked ship, or other stranded vessel, the said commissioner or agent shall immediately proceed to summon a sufficient number of men who, under the direction of the commissioner acting, shall at once proceed to save the cargo and material of such wrecked vessel, and each and every person who assists in saving such cargo or material shall within thirty days after saving the same be paid a reasonable reward by the owner or master of such vessel, or by the merchant whose vessel or goods shall be saved.

SEC. 15. That in default of payment of a reasonable compensation as provided in section (14) fourteen of this act, the goods or property so saved shall remain in the joint custody of the commissioner and salvors until all reasonable charges be paid, or security given for that purpose to the satisfaction of the parties saving such goods or other property.

SEC. 16. That if the parties shall disagree touching the amount of reward or salvage to be paid to the persons employed, the commander, owner or commissioner who are representing the same shall choose one disinterested person, and also the salvors shall nominate one other who shall adjust and ascertain the same; and if the persons thus chosen can not agree, they shall choose one other indifferent person as umpire to decide between them: *Provided*, that the amount to be paid such salvors shall be determined and agreed upon before sale is made of such goods.

SEC. 17. That the commissioner or his duly authorized agent shall be the only proper person to take charge of, advertise and sell any vessel, cargo or other wrecked property that may be

Oath of office.

Who may not hold office.

Residence of commissioners.

Proviso.

Duties of commissioners.

Assistance to be summoned.

Pay of assistants.

Security for pay of assistants.

Disagreement as to amount of salvage—arbitration.

No person but commissioner or agents shall have charge of wrecks, etc.

Books—record of sales, etc.  
Commissioner for selling.

Proviso.

Commissioner shall receive nothing but his commissions.

Sales of vessels, cargoes, etc., advertisement, etc.

Amount awarded to salvors to be retained in hands of commissioner.

Proviso.  
Further proviso.

Unclaimed vessels, how disposed of.

Sales—notice to clerk superior court, etc.

Proceeds forwarded to clerk of court.

Duties of clerk of superior court in respect to moneys in his hands.

stranded or cast ashore in his district, and each commissioner shall provide himself with books and shall record in them all such sales by him made, and every commissioner shall receive for selling any such wrecked or stranded property five per centum on the amount of sales: *Provided*, that if any owner or merchant or his agent shall remove any such goods or stranded property from the custody of any commissioner without a sale, then such commissioner shall receive two and one-half per centum ( $2\frac{1}{2}$ ) on the amount of the value of such property, which amount shall be ascertained in the same manner as provided for ascertaining the amount to be paid salvors as provided in section sixteen (16) of this act.

SEC. 18. That no commissioner shall receive any salvage or reward except his commissions as prescribed in the preceding section.

SEC. 19. That whenever any cargo or material of any ship or vessel, or any other wrecked or stranded vessel or property shall come into the hands of any commissioner of wrecks, he shall proceed to advertise and sell the same at public sale, first giving twenty days' notice at three public places; and after all such sales made by any commissioner of wrecks, he shall retain in his hands the amount awarded to the salvors, as provided in section sixteen of this act, and said commissioner shall also receive five per centum as his commission out of the gross amount of such sales: *Provided*, that all necessary expenses shall be deducted from the gross proceeds of such sales: *Provided further*, that the necessary expenses as provided in this section shall only include the cost of advertising, guarding and survey, when any such survey may have been called by a notary public as is provided by the revised statutes of the United States.

SEC. 20. That if any vessel or other stranded property shall be cast ashore or taken up at sea and brought to shore, and no person is present to claim the same as owner, it shall be the duty of the commissioner in whose district the same is brought or cast ashore, to take charge of, advertise and sell as provided in section nineteen of this act.

SEC. 21. That when any commissioner shall undertake to sell any property as provided in the preceding section, it shall be his duty to notify the clerk of the superior court of such sale; and after all such sales made, said commissioner shall forward to the clerk of the superior court of his county the proceeds of such sale, after having deducted his commissions of five per centum and paying the salvors the amount awarded to them as provided in section sixteen of this act.

SEC. 22. That it shall be the duty of the clerk of the superior court to make a record and keep an account of all moneys re-

ceived by him from any commissioner of wrecks, and he shall advertise in some weekly newspaper published in North Carolina the amount so received, giving a true description of the marks, numbers and kinds [of] goods or other stranded property for which the same was sold: *Provided*, that each commissioner shall give the clerk of the superior court all necessary information for the proper enforcement of the foregoing section in each return made by them to the clerk: and the clerk shall advertise for the space of sixty days, and if no person shall come to claim the same within a year and a day from the date of advertisement, then the clerk holding such money shall transmit the same, after deducting one per centum for his trouble and also after deducting the cost of advertising, to the treasurer of the state for the benefit of the public school funds.

Proviso.

Deductions for trouble, etc.

SEC. 23. That if any person shall claim to be the owner of any property sold as provided in the preceding section and shall present his claim to any clerk holding such moneys, it shall be the duty of such person to prove his title to the satisfaction of any clerk holding such money: *Provided*, that if any person making a claim to such property be unknown to the clerk, then the said clerk shall submit such claim to the consideration of three disinterested persons, one of whom shall be chosen by said claimant, and the decision of said referees shall always be final.

Claimants must prove title to satisfaction of clerk.

Proviso.

SEC. 24. If any person shall find any wrecked or stranded property on or near the seashore, and no person being present to claim the same, he shall as soon as possible give information to the nearest commissioner of wrecks, to be advertised and sold as provided in section nineteen of this act; and if such finder shall refuse to report such goods found he shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than five nor more than fifty dollars.

Person finding property shall give information, etc.

Refusal—misdemeanor—fine.

SEC. 25. If any commissioner shall by fraud or willful neglect violate any of the provisions of this act or abuse the trust reposed in him, he shall forfeit and pay double the amount of damages to the party aggrieved and shall forfeit his office and shall thereafter be incapable of acting as commissioner.

Abuse of office—forfeitures, etc.

SEC. 26. Any person found guilty of violating any of the provisions of this act shall be fined or imprisoned in the discretion of the court.

Violations—fine or imprisonment.

SEC. 27. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

Conflicting laws repealed.

SEC. 28. That this act shall be in force from and after its ratification.

Ratified the 13th day of February, A. D. 1899.

## CHAPTER 80.

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

*The General Assembly of North Carolina do enact :*

Special tax levy to meet outstanding indebtedness, etc.

SECTION 1. That the board of commissioners of McDowell county are hereby authorized and empowered, at their regular meeting on the first Monday in June, one thousand eight hundred and eighty [ninety.] nine, one thousand and nine hundred, one thousand nine hundred and one, and one thousand nine hundred and two, to levy a special tax upon the taxable property and polls of said county for the purpose of discharging the outstanding indebtedness other than the bonded indebtedness of said county.

Amount of levy—limit.

SEC. 2. That the amount of tax to be levied under this act shall be determined by said board of [county] commissioners, but shall not exceed in any year fifteen cents on the hundred dollars worth of property and forty-five cents on the poll, and the constitutional equation between the property and the poll shall always be observed in making levies.

Constitutional equation, etc.

Tax, how collected.

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

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

Ratified the 13th day of February, A. D. 1899.

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CHAPTER 81.

**An act to allow the commissioners of Jones county to sell poor-house lands and appurtenances.**

*The General Assembly of North Carolina do enact :*

Sale of poor-house, etc.

SECTION 1. That the county commissioners of Jones county be and the same are hereby authorized and empowered to sell the old poor-house lands and appurtenances, and apply the proceeds of such sale to the improvement of the new site recently purchased by said board.

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

Ratified the 13th day of February, A. D. 1899.

## CHAPTER 82.

## An act for relief of certain children in the state.

*The General Assembly of North Carolina do enact :*

SECTION 1. That whenever any moneys less in amount than twenty (\$20.00) dollars shall be paid into court for indigent or needy children for whom no one will become guardian, upon satisfactory proof of their necessities, the clerk may pay the same upon his own motion or order to the mother or other person who has charge of said minor or to some discreet neighbor of said minor to be used for the benefit or maintenance of said minor. Such person shall be solvent and shall faithfully apply any money so paid to him or her.

Money paid into court for needy children—disposition to be made of it

SEC. 2. The clerk shall take a receipt from the person to whom the same is paid and record it in a book entitled "Record of amounts paid for indigent children," and the same shall be a valid acquittance for said clerk.

Check—receipt—recorded.

SEC. 3. That this act shall not apply to amounts greater than twenty dollars.

Act limited to \$20.

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

Ratified the 13th day of February, A. D. 1899.

## CHAPTER 83.

An act to repeal chapter two hundred and seventy-one, public laws of eighteen hundred and ninety-seven, in regard to the drainage of "Big Sugar" creek, in Mecklenburg county, North Carolina.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter two hundred and seventy-one, public laws of eighteen hundred and ninety-seven, relating to the drainage of Big Sugar creek in Mecklenburg county, N. C., be and the same is hereby repealed.

Repealed.

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

Ratified the 13th day of February, A. D. 1899.

## CHAPTER 84.

**An act to amend chapter forty-nine of The Code.***The General Assembly of North Carolina do enact :*

Chapter 49, Code,  
relating to cor-  
porations.  
Telephone lines—  
privileges, etc.

SECTION 1. That all telephone companies and telephone lines that are now or may hereafter be established or operated in this state shall have all the rights, powers and privileges and be subject to all the regulations prescribed for telegraph companies and telegraph lines in chapter forty-nine (49) of The Code.

SEC. 2. This act shall be in force from and after its ratification. Ratified the 13th day of February, A. D. 1899.

## CHAPTER 85.

**An act to repeal chapter three hundred and sixty-one, public laws of eighteen hundred and ninety-seven.***The General Assembly of North Carolina do enact :*

Chapter 361, laws  
of 1897, relating to  
graded school in  
Clay county,  
repealed.

SECTION 1. That chapter three hundred and sixty-one (361), public laws of eighteen hundred and ninety-seven, establishing a graded school at Hayesville, in Clay county, be and the same is hereby repealed.

Taxes collected  
for graded school  
to be paid into  
county school  
fund.

SEC. 2. That all taxes collected in said graded school district under the provisions of said chapter for the years eighteen hundred and ninety-seven and eighteen hundred and ninety-eight, which have not been expended for the benefit of said graded school, shall be paid into the county school fund and placed to the credit of the public school district or districts to which the taxpayers of said graded school district may belong after the passage of this act.

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

Ratified the 13th day of February A. D. 1899.

## CHAPTER 86.

**An act to prevent the sale of adulterated and unbranded food, and to amend and make more effective the provisions of chapter one hundred and twenty-two, laws of one thousand eight hundred and ninety-five.***The General Assembly of North Carolina do enact :*

Foods, beverages  
and condiments  
to be analyzed,  
etc., by experts.

SECTION 1. That for the purpose of protecting the people of the state from imposition by the adulteration and misbranding of articles of food, the board of agriculture shall cause to be procured from time to time, and under rules and regulations to be

prescribed by them, in accordance with section nine of this act, samples of food, beverages and condiments offered for sale in the state, and shall cause the same to be analyzed or examined microscopically or otherwise by the chemists or other experts of the department of agriculture. The board of agriculture is hereby authorized to make such publications of the results of the examinations, analyses and so forth as they may deem proper.

Publication of results.

SEC. 2. That no person, by himself or agent, shall knowingly manufacture, sell, expose for sale or have in his possession with intent to sell, any article of food which is adulterated or misbranded within the meaning of this act; and any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor, and for such offense shall be fined not exceeding two hundred dollars for the first offense, and for each subsequent offense not exceeding three hundred dollars or be imprisoned not exceeding one year, or both, in the discretion of the court; and such fines, less legal costs and charges, shall be paid into the treasury of the state for the benefit of the department of agriculture, to be used exclusively in executing the provisions of this act.

Sales of adulterated foods, etc., forbidden.

Violations—misdemeanor—fine and imprisonment.

Fines, how disposed of.

SEC. 3. That the chemists or other experts of the department of agriculture shall make, under rules and regulations prescribed by the board of agriculture, examinations of specimens of food, beverages and condiments offered for sale in North Carolina which may be collected from time to time under their directions in various parts of the state. If it shall appear from such examination that any of the provisions of this act have been violated, the commissioner of agriculture shall at once certify the facts to the proper solicitor, and furnish that officer a copy of the result of the analysis duly authenticated by the analyst under oath.

Examinations, etc.

Facts to be certified by commissioner of agriculture.

SEC. 4. That it shall be the duty of every solicitor to whom the commissioner of agriculture shall report any violation of this act, to cause proceedings to be commenced and prosecuted without delay for the fines and penalties in such cases provided.

Duties of solicitors, etc.

SEC. 5. That the term "food" as used herein shall include all articles used for food—candy, condiment or drink, by man or domestic animals, whether simple, mixed or compound. The term "misbranded" as herein used shall include all articles of food or articles which enter into the composition of food, the package or label of which shall bear any statement purporting to name any ingredients or substances as being contained or not being contained in such article, which statement shall be false in any particular.

Term "food," includes what, etc.

Term, "misbranded," shall include what.

SEC. 6. That for the purpose of this act an article of food shall be deemed adulterated—

When articles deemed adulterated.

First. If any substance or substances has or have been mixed or packed with it, so as to reduce or lower or injuriously affect its

quality or strength so that such product when offered for sale shall deceive or tend to deceive the purchaser.

Second. If any inferior substance or substances has, or have been substituted wholly or in part for the article so that the product when sold shall deceive or tend to deceive the purchaser.

Third. If any valuable constituent of the article has been wholly or in part abstracted so that the product when sold shall deceive or tend to deceive the purchaser.

Fourth. If it be an imitation of, and sold under the specific name of another article.

Fifth. If it be mixed, colored, powdered, coated, polished or stained in a manner whereby damage or infirmity is concealed, so that such product when sold shall deceive or tend to deceive the purchaser.

Sixth. If it contain any added poisonous ingredient, or any ingredient which may render such article injurious to the health of the person consuming it.

Seventh. If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when branded so, or in an imitation either in package or label of an established proprietary product, which has been trade marked or patented.

Eighth. If it consists of the whole or any part of a diseased, filthy, decomposed or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal or animals that has died otherwise than by slaughter.

Ninth. That candies and chocolate may be deemed to be adulterated if they contain terra alba, barytes, talc, chrome yellow or other mineral substances, or poisonous colors or flavors, or other ingredients deleterious or detrimental to health: *Provided*, that an article of food, beverage, or condiment which does not contain any added poisonous ingredient shall not be deemed to be adulterated in the following cases:

Proviso.

When food not deemed to be adulterated.

First. In the case of articles, mixtures or compounds which may be now, or from time to time hereafter, known as articles of food, beverages or condiments under their own distinctive names, and not included in definition fourth of this section.

Second. In the case of articles labeled, branded or tagged so as to plainly indicate that they are mixtures, compounds, combinations, imitations or blends.

Third. When any matter or ingredient has been added to the food, beverage or condiment because the same is required for the production or preparation thereof as an article of commerce, in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight or measure of the food, beverage or condiment, or conceal the inferior quality thereof: *Provided*, that

Proviso.

the same shall be labeled, branded or tagged as prescribed by the board of agriculture so as to show them to be compounds and the exact character thereof; *And provided further*, that nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods to disclose their trade formulas except in so far as the provisions of this act may require to secure freedom from adulteration or imitation; *Provided further*, that nothing in this act shall be construed to apply to proprietary or patent medicines. Further proviso.

Fourth. Where the food, beverage or condiment is unavoidably mixed with some harmless extraneous matter, in the process of collection or preparation; *Provided further*, that no person shall be convicted under the provisions of this act when he is able to prove a written guaranty of purity in a form approved by the board of agriculture as published in their rules and regulations, signed by the wholesale jobber, manufacturer or other party from whom he purchased said article. Further proviso.

SEC. 7. That the board of agriculture is hereby authorized to cause all compound, mixed or blended products to be properly branded and prescribe how this shall be done. Board agriculture authorized to cause compounds to be branded.

SEC. 8. That it shall be the duty of the board of agriculture to prepare and publish from time to time lists of the articles, mixtures or compounds declared to be exempt from the provisions of this act in accordance with section six. The board of agriculture shall also from time to time fix and publish the limits of variability permissible in any article of food, beverage or condiment, and these standards when so published shall remain the standards before all courts: *Provided*, that when standards have been or may be fixed by the secretary of agriculture of the United States they shall be accepted by the board of agriculture and published as the standards for North Carolina. List of mixtures, etc., to be published.

Limits of variability to be published.

*Provided*, that when standards have been or may be fixed by the secretary of agriculture of the United States they shall be accepted by the board of agriculture and published as the standards for North Carolina. Proviso.

SEC. 9. That every person who exposes for sale or delivers to a purchaser any condiment, beverage or article of food, shall furnish, within business hours, and upon tender and full payment of the selling price, a sample of such condiments, beverages or articles of food to any person duly authorized by the board of agriculture to secure the same and who shall apply to such manufacturer or vender or person delivering to a purchaser such beverage or article of food, for such sample for such use in sufficient quantity for the analysis of such article or articles in his possession. Persons offering articles for sale.

SEC. 10. That any manufacturer or dealer who refuses to comply upon demand with the requirements of section nine of this act, or any manufacturer, dealer or person who shall impede, obstruct, hinder or otherwise prevent or attempt to prevent any chemist, inspector or other person in the performance of his duty Refusal to comply with demand, etc., guilty of misdemeanor.

Punishment.	in connection with this act shall be guilty of a misdemeanor and shall upon conviction be fined not less than ten dollars nor more than one hundred dollars, or be imprisoned not more than one hundred days, or both, in the discretion of the court, and said
Fines, how disposed of.	finer, less the legal costs, shall be paid into the treasury of the state for the benefit of the department of agriculture, to be used exclusively in executing the provisions of this act.
Non-interference with commerce.	SEC. 11. That this act shall not be construed to interfere with commerce, or any interstate commerce laws of the United States.
Repealed.	SEC. 12. That chapter one hundred and twenty-two, laws of one thousand eight hundred and ninety-five, be and the same is hereby repealed.
To be in force, when.	SEC. 13. That this act shall be in force from the first day of August, one thousand eight hundred and ninety-nine. Ratified the 13th day of February, A. D. 1899.

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CHAPTER 87.

**An act to amend chapter fifty-seven of the public laws of eighteen hundred and ninety-seven, to prevent public drunkenness.**

*The General Assembly of North Carolina do enact :*

Amended.	SECTION 1. That chapter fifty-seven of the public laws of eighteen hundred and ninety-seven be and is hereby amended by inserting Graham county after the word "Henderson" in section two.
	SEC. 2. That this act shall be in force from and after its ratification.
	Ratified the 13th day of February, A. D. 1899.

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CHAPTER 88.

**An act to increase the number of commissioners for Perquimans county.**

*The General Assembly of North Carolina do enact :*

Commissioners increased.	SECTION 1. That the number of county commissioners for Perquimans county is hereby increased to five for the term ending the first Monday in December, nineteen hundred.
Persons added.	SEC. 2. That Anderson White and John D. Parker are hereby appointed additional commissioners for the said term which shall begin upon the ratification of this act.

SEC. 3. That said additional commissioners shall qualify as early as practicable after the passage of this act, and shall meet with the present commissioners for said county, and with them shall constitute the board of commissioners of Perquimans county.

New commissioners to qualify.

SEC. 4. That said board of commissioners shall organize on the first Monday in March, eighteen hundred and ninety-nine, or as early as practicable thereafter by electing a chairman.

Shall organize, when.

SEC. 5. The secretary of state is hereby directed to send a copy of this act, certified under the great seal of the state immediately after its ratification, to the clerk of the superior [court] of said county, who shall immediately notify the commissioners appointed by this act, and the present board of commissioners of its provisions.

Secretary to certify.

SEC. 6. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 7. This act shall be in force from and after its ratification. Ratified the 14th day of February, A. D. 1899.

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#### CHAPTER 89.

**An act to allow the chairman of the board of commissioners and of the board of education to administer oaths in certain cases.**

*The General Assembly of North Carolina do enact :*

SECTION 1. That the chairman, respectively, of the board of county commissioners and of the county board of education for each county be authorized in his official capacity to administer oaths in any matter coming before either of such boards.

Certain officers may administer oaths.

SEC. 2. That any member of either of said boards while temporarily acting as such chairman shall have and exercise the authority granted in the preceding section.

Authority to exercise by chairman pro tem.

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

Ratified the 13th day of February, A. D. 1899.

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#### CHAPTER 90.

**An act to repeal the February term of the circuit court of Madison county.**

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter seventy-five (75) of the public laws of the year eighteen hundred and ninety-five be amended by striking

Chapter 75, laws 1895, relative to establishment

of criminal circuit court amended.

Chapter 6, laws 1897, amended.

ing out the words, "and on the second Monday in February," in lines eight and nine of section fifteen of said chapter.

SEC. 2. That chapter six (6) of the public laws of the year eighteen hundred and ninety-seven be amended by striking out of section six (6) of said chapter lines fourth and fifth.

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

Ratified the 14th day of February, A. D. 1899.

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#### CHAPTER 91.

**An act to correct grant number four thousand one hundred and sixty-seven, Buncombe county.**

*The General Assembly of North Carolina do enact :*

Land grant.

SECTION 1. That land grant number four thousand one hundred and sixty-seven in Buncombe county be corrected by inserting between the third and fourth calls of said grant the words, "thence south one hundred and twenty poles to a stake."

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

Ratified the 15th day of February, A. D. 1899.

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#### CHAPTER 92.

**An act to repeal an act to provide for the working of the public roads in Nash county.**

*The General Assembly of North Carolina do enact :*

Repealed.

SECTION 1. That chapter two hundred and twenty-two of the public laws of eighteen hundred and ninety-seven, entitled "An act to provide for the working of the public roads in Nash county," be and the same is hereby repealed.

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

Ratified the 15th day of February, A. D. 1899.

## CHAPTER 93.

An act to amend chapter thirty-four of The Code, and chapter one hundred and eighty-one of the laws of eighteen hundred and eighty-nine.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter thirty-four of The Code be amended by inserting after the word "applicants," in line two of section three thousand one hundred and twenty-four, the following words: "Who shall exhibit a diploma, or furnish satisfactory proof of graduation from a medical college in good standing requiring an attendance of not less than three years and supplying such facilities for clinical instruction as shall meet the approval of the said board"; and by adding immediately after said section three thousand one hundred and twenty-four the following words:

"*Provided*, that the requirement of three years attendance shall not apply to those graduating prior to January first, nineteen hundred: *Provided further*, that license or other satisfactory evidence of standing as a legal practitioner in another state shall be accepted in lieu of a diploma and entitle to examination."

Chapter 34, volume 2, Code, and chapter 181, laws 1889, relating to medical society, etc. Diploma, or satisfactory proof of graduation from medical college.

Proviso.

SEC. 2. That section three thousand one hundred and twenty-five of The Code be amended by inserting after the word "applicant," in line three, the following words: "Who shall comply with the requirements as to graduation prescribed in section three thousand one hundred and twenty-four as amended."

SEC. 3. That section three thousand one hundred and twenty-seven of The Code be amended by adding immediately after said section the following words: "*Provided*, that the said board may, in its discretion, meet not more than one week before the said society, but always in the same place; and that one additional meeting in each year may be held at some suitable point in the state if deemed advisable."

Proviso.

SEC. 4. That chapter one hundred and eighty-one of the laws of eighteen hundred and eighty-nine be amended by striking out all of section three from the word "words" in line four, the word "any" in line nine, the word "likewise" in line eleven, and the word "such" in line fourteen; by striking out in section four all from the word "on" in line three to the number "eighteen hundred and eighty-five" in line six, inclusive, and the words "on oath" in line seven; and by striking out in section seven all after the word "act" in line three.

Amended.

SEC. 5. That this act shall be in force from and after January first, nineteen hundred.

Ratified the 15th day of February, A. D. 1899.

## CHAPTER 94.

**An act to amend chapter three hundred and ninety-nine, laws of eighteen hundred and ninety-one.**

*The General Assembly of North Carolina do enact :*

Chapter 399, laws 1891, relating to school for white deaf and dumb.

SECTION 1. That section two (2), chapter three hundred and ninety-nine (399) of the laws of eighteen hundred and ninety-one, entitled "An act to establish a school for the white deaf and dumb children of North Carolina." be amended by striking out all of said section after the word "vacant" in line seven (7) and insert in lieu thereof the following: "If any vacancy shall occur by death, resignation or other cause, the remaining members of said board of directors shall elect a member to fill such vacancy on said board till the general assembly shall elect a successor to fill out the unexpired term caused by such vacancy. All of said board of directors shall hold their office till their successors are elected and qualified, but not more than one director shall be chosen from the same county."

Vacancies, how filled.

Term of directors—not more than one from same county.

Conflicting laws repealed.

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 15th day of February, A. D. 1899.

## CHAPTER 95.

**An act to repeal chapter three hundred and twenty-four of the public laws of eighteen hundred and ninety-seven, relative to the working of the public roads of Halifax county.**

*The General Assembly of North Carolina do enact :*

Repealed.

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

Application taxes already collected.

SEC. 2. That the taxes which have already been levied under said act be collected and applied by the commissioners of said county through the county surveyor to the improvements of the public roads as they may deem best.

SEC. 3. That this act take effect upon its ratification. Ratified the 15th day of February, A. D. 1899.

## CHAPTER 96.

An act to create graded schools in the town of Kinston, North Carolina.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of aldermen of the town of Kinston, Lenoir county, shall on the first Monday in May next ensuing submit to the qualified voters of said town the question of "establishing of graded schools" for both races in said town. The said board of aldermen shall give thirty days' notice of said election in the "Kinston Free Press," a daily newspaper published in said town and post the same at four public places or more in said town.

Question of graded schools submitted to a vote of the people.

Notice of election.

SEC. 2. That the said election shall be held under the same rules and regulations as govern the election of mayor under the charter of said town on said first Monday in 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" or "Against schools," and the result of said election shall be determined under the same rules and regulations as govern and determine the result of the election of mayor, and the said result shall be certified in writing by the election officers to the mayor of said town, and by the mayor filed with the records of said town.

Rules, etc., for election.

Tickets, what to contain. Result determined.

SEC. 3. That for the purpose and benefits of this act the city of Kinston shall be a graded school district for both white and colored children and is hereby named and designated as the "Kinston graded school district."

Kinston made a graded school district.

SEC. 4. That if a majority of the qualified voters of said town shall vote at said election "For schools," it shall be the duty of said board of trustees of Kinston graded schools, 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 dollar valuation of all the taxable property of said town, and upon the poll not exceeding one dollar, and the levy so made shall be certified by the chairman of the board of trustees to the board of aldermen of the town of Kinston, whose duty it shall be to enter the same upon the tax lists of said town for collection as is provided by law for the collection of other taxes.

Special tax to be levied annually.

Levy certified and entered upon tax list.

SEC. 5. That it shall be the duty of said board of trustees to establish a graded school for the white children and a graded school for the colored children of said town, and apportion the funds derived from said special taxes or from any other source whatsoever between said graded schools for white and colored children, so as to equalize school facilities between the two races as to be just and equitable to both.

Schools for both races.

Apportionment of funds.

Special taxes paid over—commissions, etc.

SEC. 6. That the special taxes mentioned in section four of this act shall be paid over by the tax collector, after deducting such commission as said board of trustees shall allow, to the treasurer of said town, and said tax collector and treasurer shall be allowed such commission as the board of school trustees shall deem proper. The said treasurer shall keep the moneys thus arising from special taxes separate 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 warrants and orders signed by the chairman of the said board of trustees.

Treasurer to keep fund separate from other funds.

Paid out, on whose warrant.

Treasurer of county to pay over school money.

SEC. 7. That all public school funds derived from the state and county for the use and benefit of the public school district of said town shall be paid to the treasurer of said town by the treasurer of of Lenoir county for the use and benefit of said graded schools; and the present school committee of district number one shall convey the property both real and personal of said public school districts, and it shall become the property of said graded schools and the title of the same shall be vested in the said board of trustees of the "Kinston graded schools" in trust for said graded school, and the said board of trustees be and they are hereby authorized and empowered to sell the same either publicly or privately and apply the proceeds to said graded schools, and are authorized to purchase necessary lands and to erect suitable buildings for said graded schools and properly equip the same. And it shall be the duty of the public school board of Lenoir county to unite the territory of district number one not covered by this to the contiguous school districts.

Property to be conveyed.

Title, in whom vested.

Authority to sell property and apply proceeds, etc.

Board of trustees created.

SEC. 8. That for the purpose of this act there is created a board of trustees of the Kinston graded schools, and this board shall consist of seven members, to be divided into two classes, the term of office for the first class shall expire in two years, the term of office for the second class shall expire in four years. It is further enacted that J. W. Grainger, L. Harvey, N. J. Rouse and J. B. Temple be and are hereby named trustees of the first class named above, and J. A. Pridgen, H. E. Shaw and S. H. Abbott be and are hereby named as the trustees of the second class. It is further enacted that upon the expiration of the terms above named and fixed the board of aldermen of the said town shall elect biennially thereafter their successors.

Two classes—terms of office.

Trustees named.

Duties, etc., of trustees.

SEC. 9. That the said "Board of Trustees of Kinston Graded Schools" shall have entire and exclusive control of the said graded schools, shall employ and fix compensation of officers and teachers, shall make an accurate census of the said 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 suc-

Census.

General powers.

successful management of said graded schools. It is further enacted that the said board of trustees hereby created shall be a body politic and corporate by the name and style of "The Board of Trustees of Kinston Graded Schools," and by that name shall be capable of receiving gifts and grants, purchasing and holding real estate and personal property, 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 trustees shall be 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 trustees, and attested by the secretary of the said board. It is further enacted that the said board of trustees shall, upon their induction into office, elect a superintendent of the said graded schools, and select all teachers that may be necessary for said schools and prescribe the compensation of the superintendent and teachers and other employees of said schools, and pass all necessary rules and regulations for the conduct and management of said schools under the provision of this act.

Body corporate, etc.

Acquisition and conveyance of property, etc.

Conveyances to trustees and their successors.

Superintendent, how and by whom elected.

Compensation, etc.

SEC. 10. That the treasurer of the said town of Kinston and the tax collector shall, before entering upon the duties prescribed in this act, enter into bonds with good and sufficient securities in such sums as may be fixed and approved by the said board of trustees.

Official bonds.

SEC. 11. That the said board of trustees are authorized to permit attendance upon said schools of children residing without the territory embraced in said graded school district upon such terms as the said board of trustees may prescribe.

Children without territory may be permitted to attend school.

SEC. 12. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

Conflicting laws repealed.

SEC. 13. That this act shall be in full force from and after its ratification.

Ratified the 15th day of February, A. D. 1899.

## CHAPTER 97.

An act to amend chapter three hundred and fifty-four of the laws of eighteen hundred and ninety-one, and the acts amendatory thereof, relative to working the roads of Graham county.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter three hundred and fifty-four of the laws of eighteen hundred and ninety-one be amended by striking out in line seven (7) of section five (5) the words "six days" and

Amended.

Proviso. insert "sufficient," and by inserting after the word "highways," the following: "To keep them in good condition, provided no person shall be required to work more than ten days in any year," and by striking out in line ten of said section the word "six days"; in lines eleven and twelve strike out the words "the sum of four dollars and fifty cents, the same shall be received in lieu of the six days labor," and insert in place thereof the following: "Seventy five cents in lieu of each day's labor for which he may be liable.

Amended. SEC. 2. That section seven, enm. amended by chapter fifty eight of the public laws of eighteen hundred and ninety five be and the same is amended by striking out in lines four and five, 4 and 5) the words "not less than five cents nor more than twenty," and insert in lieu thereof the words "not more than ten (10)."

SEC. 3. This act shall only apply to Graham county and it shall be in force from its ratification.

Ratified the 15th day of February, A. D. 1899.

## CHAPTER 98

### An act to establish a dispensary at Smithfield, North Carolina.

*The General Assembly of North Carolina do enact :*

Made unlawful to sell liquor in Smithfield.

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 Smithfield, Johnston county, North Carolina, except as hereinafter provided.

Dispensary commissioners.

SEC. 2. That W. L. Fuller, H. L. Graves and W. M. Sanders are hereby appointed dispensary commissioners for the town of Smithfield who shall be known as "dispensary commissioners," and who shall hold their office respectively for one, two and three years, and each of whom shall continue in office until the election of his successor; that upon the expiration of the term of any dispensary commissioner the two dispensary commissioners whose terms have not expired shall nominate an elector of the town to fill the vacancy, and upon the approval of the town commissioners he shall become a dispensary commissioner for the term of three years. Should the town commissioners reject the nomination 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. If from any cause the dispensary commissioners shall fail for thirty days to nominate a commissioner to succeed one

How and by whom elected—approved, etc.

Rejection of nomination.

- whose term has expired, then it shall be the duty of the town commissioners to elect a citizen of Smithfield to fill the office then vacant. The 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 clerk of the board of town commissioners.
- SEC. 3. That it shall be the duty of the dispensary commissioners, first appointed by the general assembly to provide a suitable place for the sale of spirituous vinous malt and other liquors within the corporate limits of the town of Smithfield (which shall not be within three hundred feet of any church) where spirituous, vinous, malt and fermented liquors shall be kept for sale under the direction of the dispensary commissioners by a manager, who shall have charge and control of all liquors bought by said dispensary commissioners for sale in said town of Smithfield.
- SEC. 4. That a manager shall be chosen by the dispensary commissioners and shall have charge of the management of said dispensary under the control of the 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 a sum to be fixed by the 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 into the Bank of Smithfield or other depository to be named by the dispensary commissioners. He shall be paid a salary to be fixed by the 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 shall 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. That the dispensary commissioners are hereby invested with power to remove the manager to employ assistants or to fill temporary vacancy on account of sickness or other cause.
- SEC. 5. The manager of the dispensary shall and at 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 shall be paid by the dispensary commissioners. That said manager shall sell only for cash and shall turn over or deposit all moneys received by him under the direction of the dispensary commissioners.
- SEC. 6. That said dispensary commissioners shall make from

Failure to nominate for thirty days, etc.

Official oath, where filed.

Suitable place to be provided, where.

Manager.

Manager, how chosen—duties.

May be dismissed at discretion of commissioners.

Official bond of manager, etc.

Salary of manager.

Register of names of purchasers to be kept.

Manager may be removed. Assistants.

Dispensary stock of liquors.

Bills, by whom paid.

Sales for cash only.

Rules and regulations.

Quantities to be sold—limit.

No drinking on premises.

Sale to drunkard, minors, etc., forbidden.

Opened and closed, when.

Prices of liquors.

Proviso.

To be sold only in sealed packages.

Manager's reports.

Inspection and analysis of liquors, etc.

Adulterated liquors neither sold or paid for.

No sales to persons purchasing to resell. Violation—misdemeanor.

Loitering in or about dispensary forbidden.

Refusal to leave—punishment.

Ordinances to carry out this act.

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 sold or furnished in quantities less 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 a habitual drunkard, to a minor or persons intoxicated. The dispensary shall not be opened before sunrise and be closed before sunset, and it shall be closed on Sundays, election days and such other days as makes the sale of liquor unlawful under the laws of this state.

SEC. 7. The price at which spirituous, vinous and malt liquors shall be sold shall be fixed by the dispensary commissioners: *Provided*, the same shall not be sold for a profit exceeding eighty per centum (80 per centum) above actual cost.

SEC. 8. 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. Said manager shall make a monthly report to the dispensary commissioners, and oftener if so required by them, showing amount of sales for preceding month and stock on hand at last day of the month.

SEC. 9. The said dispensary commissioners shall cause an inspection and analysis to be made of stock on hand from time to time, and no vinous, spirituous or malt liquors shall be sold in said dispensary that are not well known in the market as pure and unadulterated. If any spirituous, vinous or malt liquors shall be condemned as impure and adulterated, the same shall not be sold, and payment for the same shall be refused to the person from whom such liquors were purchased.

SEC. 10. That no spirituous, vinous or malt liquors shall be sold in said dispensary to persons purchasing for the purpose of selling again. And any person who shall buy any liquor from said dispensary for the purpose of selling again shall be guilty of a misdemeanor.

SEC. 11. 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 or the premises on which it is situated shall be punished upon conviction in the mayor's court or in a justice's court as shall be prescribed by the ordinance of the town of Smithfield.

SEC. 12. That the board of commissioners of the town of Smithfield shall from time to time pass such ordinances as may be necessary to carry out the purposes of this act.

SEC. 12. That the board of commissioners of the town of Smithfield shall appropriate from the town treasury a sufficient amount of money to establish the dispensary, as provided for in this act, which amount shall be repaid into the town treasury by the profits of the dispensary, and thereafter the dispensary shall be supported and maintained from the profits arising from the sales in the dispensary.

Appropriations—  
repayment, etc.

SEC. 14. The dispensary commissioners shall make an annual report to the commissioners of the town of Smithfield, 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 said dispensary, salary paid manager, dispensary commissioners, and all other moneys expended on any account of said dispensary, and moneys received on account thereof.

Reports of com-  
missioners—  
annual—what to  
show.

SEC. 15. That the dispensary commissioners shall pay to the sheriff of Johnston county a sum equal to the tax levy, by the county and state, for retail dealers in spirituous liquors; upon the payment of which the sheriff of Johnston county shall issue to the "manager of Smithfield dispensary" a license to sell liquors under this act without first requiring from the commissioners of Johnston county an order to issue said license.

Sum to be paid  
to sheriff—  
license.

SEC. 16. That the dispensary commissioners shall be paid for their services the sum of twenty-five dollars per annum.

Compensation of  
commissioners.

SEC. 17. That all books and records kept by the dispensary commissioners or the manager of said dispensary shall at all times be open for inspection of all citizens of Smithfield and all officers of the law.

Books and record  
—inspection.

SEC. 18. That the dispensary commissioners, after paying all expenses of said dispensary, shall every six months divide the profits arising from the sale of liquors by said dispensary, paying one-half of said profits to the treasurer of the town of Smithfield and the other half to the treasurer of Johnston county.

Profits of dispen-  
sary, how dis-  
posed of.

SEC. 19. That part of the profits paid to the town treasurer shall be subject to the order of the town commissioners for the benefit of and improvement of said town of Smithfield.

Use of profits by  
town.

SEC. 20. That part of the profits from said dispensary paid to the treasurer of Johnston county shall be by said treasurer placed to the credit of the school fund and applied to the support of the free public schools in the districts in which the town of Smithfield is situate, and shall be used by said schools as the board of commissioners of the town of Smithfield shall direct.

Use of profits by  
county.

SEC. 21. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed, and that section three thousand one hundred and eleven of The Code is hereby repealed as to its application to this act.

Conflicting laws  
repealed.

SEC. 22. That this act shall be in force from and after the first day of July, eighteen hundred and ninety-nine.

Ratified the 15th day of February, A. D. 1899.

#### CHAPTER 99.

An act to repeal chapter four hundred and twenty-seven, public laws eighteen hundred and ninety-five, and chapter one hundred and sixty-two, public laws eighteen hundred and ninety-seven, as to Jones county only.

*The General Assembly of North Carolina do enact:*

Chapter 127, laws 1895, relating to work on roads. Repealed.

SECTION 1. That chapter four hundred and twenty seven, public laws eighteen hundred and ninety-five, and chapter one hundred and sixty-two, public laws eighteen hundred and ninety-seven, be and the same are hereby repealed as to Jones county only.

Board of supervisors—meetings.

SEC. 2. That the board of supervisors shall meet in their various townships of said county on the first Monday in April, eighteen hundred and ninety-nine, and provide for working the public roads of the county in all respects as is provided by chapter fifty of volume one of The Code till their next regular meeting.

Money on hand, how applied.

SEC. 3. That all moneys that shall be in the hands of the treasurer for road purposes when this act takes effect shall be applied to keeping up the public bridges of the county.

Certified copy of this act.

SEC. 4. That immediately upon the ratification of this act it shall be the duty of the secretary of state to furnish the chairman of the board of commissioners of Jones county a certified copy of same.

SEC. 5. That this act shall be in full force and effect on and after the first Monday in April, eighteen hundred and ninety-nine.

Ratified the 15th day of February, A. D. 1899.

#### CHAPTER 100.

An act to repeal chapter one hundred and seventy-one, public laws of eighteen hundred and ninety-five.

*The General Assembly of North Carolina do enact:*

Chapter 171, laws 1895, relating to setting large steel traps. Repealed.

SECTION 1. That chapter one hundred and seventy-one of the public laws of eighteen hundred and ninety-five is hereby repealed.

SEC. 2. That any person who shall set any large steel trap for

bear or other large game shall designate the location of the [same] by blazing the timber or other visible signs as shall distinctly show the location of said trap.

Setters of traps shall blaze trees, etc.

SEC. 3. That it shall be unlawful for any person to set said trap when there is a probability of cattle, sheep or hogs being exposed to their danger.

Unlawful to set traps, when.

SEC. 4. That any persons violating sections two and three of this act shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the court.

Violations—misdemeanor—fine or imprisonment.

SEC. 5. That this act shall apply only to the county of Graham.

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

Ratified the 15th day of February, A. D. 1899.

#### CHAPTER 101.

##### An act to protect the public bridges of Clay county.

*The General Assembly of North Carolina do enact:*

SECTION 1. That any person riding or driving faster than a walk over any of the public bridges in the county of Clay shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned or both, at the discretion of the court.

Fast riding, etc. prohibited. Violations—misdemeanor—punishment.

SEC. 2. The county commissioners of said county shall post a copy of this act at each entrance to each of said bridges in said county.

Copy of act to be posted.

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

Ratified the 15th day of February, A. D. 1899.

#### CHAPTER 102.

##### An act to amend chapter two hundred (200) public laws of one thousand eight hundred and ninety-seven (1897.)

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one and two of chapter two hundred (200) of the public laws of one thousand eight hundred and ninety-seven (1897), entitled an act to amend chapter one hundred and seventy-three (173), public laws of one thousand eight hundred and ninety-five (1895) be and the same is hereby amended by striking out the words "Beaufort and Bertie" so as to exempt Beaufort and Bertie counties from the operation of the said act.

Chapter 200 laws 1897, relating to cutting mill logs, etc.

Beaufort and Bertie counties exempted

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

Ratified the 15th day of February, A. D. 1899.

## CHAPTER 103.

**An act to increase the number of commissioners for New Hanover county.**

*The General Assembly of North Carolina do enact :*

Additions to  
county  
commissioners.

SECTION 1. That Duncan McEachern and Gabriel Holmes are hereby elected commissioners of the county of New Hanover, and that they shall have the same powers and duties as the present members of the said board of commissioners and who shall hold their office until the next election of commissioners for said county.

Number of com-  
missioners to be  
elected, etc.

SEC. 2. That at the next election for commissioners held for said county and every two years thereafter there shall be elected in said county of New Hanover five commissioners with the powers and duties which now are or may be hereafter prescribed by law for county commissioners.

Oath, etc.

SEC. 3. That the commissioners herein named shall qualify and be inducted into office by filing the necessary oath before the clerk of the superior court.

Conflicting laws  
repealed.

SEC. 4. That all laws, parts and clauses of laws in conflict with this act be and the same are hereby repealed in so far only as they relate to New Hanover county.

SEC. 5. This act shall be in force from and after its ratification.  
Ratified the 15th day of February, A. D. 1899.

## CHAPTER 104.

**An act to amend sections one hundred and ninety-six and one hundred and ninety-seven of The Code.**

*The General Assembly of North Carolina do enact :*

Sections 196 and  
197, Code, relating  
to removal of  
causes, amended.

SECTION 1. That section one hundred and ninety-six of The Code be amended as follows: strike out the word "justice," at the close of line six of said section and insert in lieu thereof the words "a fair and impartial trial." (2) Strike out the word "satisfied" in the ninth line of said section, and insert in lieu thereof the words "of the opinion."

Amended.

SEC. 2. That section one hundred and ninety-seven be amended by striking out the word "not" in the sixth line of said section. (2) Strike out the word "unless" in the seventh line of said section and in lieu thereof insert the word "if."

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

Ratified the 15th day of February, A. D. 1899.

## CHAPTER 105.

## An act to change the boundary line between the counties of Ashe and Alleghany.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the boundary line between the counties of Ashe and Alleghany be changed so as to run as follows: Beginning in the old county line at the ford of Piney branch, near Martin Pruitt's mill; then with the state road to a small branch near Levi Cox's; then with the branch to Cranberry creek; then up said creek to the junction of Piney Fork and Meadow Fork creeks; then south twenty west to R. L. Doughton's spring; then south seventy east to Meadow Fork creek; then up said creek to the ford below Jacob Miller's mills; then to the state road and with said road to the Wilkes county line; *Provided, however,* that Henry M. Key, who lives on said line near Gray post-office may remain a citizen of Alleghany county.

Boundary line changed.

Courses of the new line.

SEC. 2. That the counties of Ashe and Alleghany jointly keep in repair the state road named in this act: *Provided,* if it should be most convenient to both counties to divide said road into sections, they are hereby authorized to do so.

Joint repair of road.  
Proviso.

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

Conflicting laws repealed.

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

Ratified the 15th day of February, A. D. 1899.

## CHAPTER 106.

## An act to correct land grant number six hundred and one.

*The General Assembly of North Carolina do enact :*

SECTION 1. That land grant number six hundred and one, issued on the thirty-first day of December, eighteen hundred and fifty-eight and recorded in the office of the register of deeds of Henderson county, in book number seven on page one hundred and forty-eight, be and the same is hereby corrected by changing the initial letter "D" of the grantee's name wherever the same appears in said grant to "L," so as to make the name of the grantee read wherever the same occurs in said grant "M. L. Owens."

Land grant corrected.

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

Ratified the 15th day of February, A. D. 1899.

## CHAPTER 107.

## An act to drain the lowlands of Muddy creek and its tributaries, in Forsyth and Davidson counties.

*The General Assembly of North Carolina do enact:*

Commissioners appointed.

SECTION 1. That P. A. Hege, Jonas Kimmel, Roswell Rominger, Frank Cook, Costen Harper, T. D. Spease, J. A. Alspaugh, P. H. Stimpson, David Ensley, F. H. Pfaff and Edgar Lineback be and they are hereby appointed commissioners whose duty it shall be on or before the first day of June, eighteen hundred and ninety nine, to lay off Muddy creek in Davidson and Forsyth counties from the mouth of Muddy creek where it empties into the Yadkin river to Bethania in Forsyth county and from where Old Town Muddy creek or Mill creek empties into Muddy creek proper to Old Town in Forsyth county, in sections of convenient length and appoint one overseer to each section, who shall hold his office for a term of two years and who shall be a land owner in the section to which he is appointed overseer.

Creek to be divided into sections, and overseers to be appointed.

Overseer—eligibility—term of office.

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 fail or neglect to fill vacancies occasioned by failure to act, by death or otherwise, the board of county commissioners of the respective counties of Forsyth and Davidson shall on application being made appoint commissioners and overseers for the purposes herein mentioned.

Chairman to be elected. Filling of vacancies. Failure to fill vacancies—county commissioners shall act.

Commissioners to ascertain amount of bottom land contiguous to said creek by committees or otherwise, and shall furnish estimate, etc.

SEC. 3. That said commissioners shall, by committee or committees, appointed of their number, ascertain the number of acres of bottom land owned by each individual on the streams mentioned between the points designated in section one of this act and lying one fourth of a mile 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 to the land owner by said overseer or overseers, said land owner shall furnish one sufficient hand not less than eighteen years of age with tools such as shall be designated by overseer to furnish for every ten acres, and one for every fraction over seven acres and in the meaning of this act; and on failure so to do shall forfeit and pay two dollars per day for failure on each hand, which may be recovered by said overseer in an act before a justice of the peace and which judgment, when obtained, shall be a lien upon the land of the party against whom the judgment is rendered, the proceeds when collected by the overseer to be used by him in work upon said streams.

Land owners, upon notice, to furnish hands, tools, etc.

Failure to furnish hand—forfeiture—lien upon land, etc.

SEC. 4. It shall be the duty of the commissioners in laying off sections as provided for in section one (1) of this act along the stream aforesaid, 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 this section.

Labor, how distributed.

SEC. 5. That said commissioners, in dividing the streams aforesaid into sections, selecting overseers and ascertaining the number of acres of bottom land along said stream, shall as near as possible have separate and distinct overseers and sections for the counties of Forsyth and Davidson respectively; no parties owning land in Forsyth or Davidson county exclusively shall be compelled to work upon the creeks in the counties in which they do not own land, or to contribute toward the expense of the same.

Separate overseers for counties of Davidson and Forsyth

SEC. 6. 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 five or not more than fifteen days, at the discretion of the overseers of said streams, with the power to straighten, remove obstructions, and improve the banks thereof: *Provided*, that said commissioners may, in their description [discretion], order any and all overseers with their respective hands when deemed necessary to work at any point on said stream or streams not outside of their respective counties.

Number of days work in each year.

Proviso.

SEC. 7. That any person or persons who shall willfully and knowingly fell timber into or otherwise obstruct the water in the channel of the said stream between the points mentioned in section one (1) of this act shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than five dollars nor more than ten dollars.

Obstructing creek forbidden—violations—misdemeanor—punishment.

SEC. 8. That all money arising from failure to work on said stream or streams and all penalties collected under the provision of this act shall be paid over to the overseer of the section of which it may arise and by him shall be expended in improving the channel of the said streams, and any overseer failing or neglecting to perform the duties required by this act shall be guilty of a misdemeanor and on conviction thereof shall be fined not less than five dollars nor more than ten dollars: *Provided*, that no person shall be required to serve more than one term of two years at one time without his consent.

Penalties recovered, how disposed of.

Failure of overseer—misdemeanor—punishment.

Proviso.

SEC. 9. That the powers hereby conferred under this act upon the commissioners shall extend from one half mile up the tributaries emptying into said stream and they shall have power to stop all washes emptying into the said streams, and may [use] such power in the same way and under the same rules and regu-

Extent to which powers herein may be used.

Powers extending to lateral streams.

lations that are prescribed in this act for draining the land located along the streams mentioned in section one (1) by opening the stream as fully as the power given in the foregoing sections.

May contract with land owners.

SEC. 10. That said commissioners shall have the power, if they deem expedient, to contract or arrange with the land owners along the different streams mentioned in this act to clean out the channel of the creek through the lands of the land within a certain time to be agreed upon between the land owner and the commissioners; but this section shall not deprive the commissioners and overseer of the supervision and control as to the manner of cleaning out this creek.

Supervision.

Private bridges, etc.

SEC. 11. That nothing contained in this act shall prevent the building of public or private bridges where public or private roads are now or may hereafter be located; *Provided also*, this act shall not apply to mill dams across said streams mentioned in this act where the dams are now used for the purposes of running mills or furnishing water aiding in the running of said mills.

Proviso.

SEC. 12. This act shall be in full effect from and after its ratification.

Ratified the 15th day of February, A. D. 1899.

#### CHAPTER 108.

##### An act to elect a cotton weigher for the city of Charlotte.

*The General Assembly of North Carolina do enact :*

Cotton weigher—election—term of office

SECTION 1. That there shall be elected by the qualified voters of Mecklenburg county every two years a cotton weigher for the city of Charlotte, in Mecklenburg county, who shall hold his office for two years and until his successor is qualified.

Duty of county commissioners to provide for election.

SEC. 2. That it shall be the duty of the board of commissioners of Mecklenburg county or such officers as the law requires in such cases to provide for such election at the regular election for register of deeds and other county officers every two years, under the same rules and regulations as are now required by law for the election of members to the general assembly.

Bond—penal sum—how conditioned.

SEC. 3. That upon the election of cotton weigher as aforesaid any person elected to such office shall file a bond in the penal sum of one thousand dollars, payable to the state of North Carolina, conditioned to the faithful performance of the duties of this office, and to weigh and give honest weights of all cotton weighed by him with the board of commissioners of said county and to be approved by them.

SEC. 4. That it shall be the duty of the said cotton weigher to take the following oath, viz: I, -----, public cotton weigher for the city of Charlotte, do solemnly swear that I will justly, impartially and without any deduction except as may be allowed by law, weigh all cotton that may be brought to me for that purpose, and tender a true account thereof to the parties concerned, if required so to do; and that I will take no interest, near or remote, in buying or selling cotton in the city of Charlotte. So help me, God. And he shall receive for his services the sum of ten cents for each bale of cotton sold in said city, one-half to be paid by the seller and the other half by the purchaser. Said weigher shall have the right to appoint an assistant, to be approved by the commissioners of said county, to be paid from what he receives, and shall take the same oath as the weigher is required to take.

Oath of office.

Compensation for services—by whom paid.

Assistant weigher.

SEC. 5. That at the time now required by law the mayor and board of aldermen of the city of Charlotte, North Carolina, and the county commissioners of the county of Mecklenburg, in joint session shall elect a cotton weigher for the city of Charlotte, who shall take an oath as above provided, file his bond as aforesaid and discharge the duties of the office of cotton weigher as aforesaid until the next regular election and until his successor is elected and qualified. And the person so elected under this section shall within twenty days after his election take the oath of office and file his bond, or his office may be declared vacant by the mayor and board of aldermen and county commissioners in joint session and the office filled by them till his successor is elected and duly qualified.

Cotton weigher, when and by whom appointed. Oath.

Bond—duties—term of office.

Failure to take oath and file bond—office may be declared vacant. No other person to weigh baled cotton—penalty.

SEC. 6. That no other person than said cotton weigher shall weigh any baled cotton in said city under penalty of ten dollars for each and every bale so weighed, and said fine shall be applied to the school funds of Mecklenburg county upon the conviction of the offender before any justice of the peace of said county; *Provided, however*, the seller of any baled cotton may have said cotton weighed by any other person, but the buyer thereof shall pay to the said cotton weigher the sum of ten cents for each and every bale of cotton bought, and said buyer shall be guilty of a misdemeanor upon failure to make such payment, and upon conviction shall be fined not exceeding fifty dollars or imprisoned [not] more than thirty days.

Proviso.

Misdemeanor—conviction—punishment.

SEC. 7. That the commissioners of Mecklenburg county are hereby empowered to use so much of the general funds of said county as may be in their judgment necessary to secure a proper location, erect a suitable platform and purchase scales for the performance of the duties of said cotton weigher, to make all

Platform, scales, etc.—expenditures, etc.

Rules—regulations

necessary rule and regulations for the protection and government of the same.

Vacancy, how filled.

SEC. 8. That any vacancy occurring in the office of cotton weigher by death, resignation or otherwise shall be filled as provided for in the second clause of section [five] (5) of this act.

Willful and corrupt abuse of office—punishment.

SEC. 9. Any cotton weigher elected under the provisions of this act who shall willfully and corruptly abuse the trust or power conferred on him by this act shall upon conviction thereof be dismissed from his office, and any damage sustained by any party by such willful or corrupt abuse of trust or power shall be recoverable out of the bond of such cotton weigher so offending.

Damages, how recoverable.

SEC. 10. All laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

Ratified the 15th day of February, A. D. 1899.

#### CHAPTER 109.

##### An act to amend the stock law in Henderson county.

*The General Assembly of North Carolina do enact :*

Stock law fence, by whom constructed and maintained

SECTION 1. That the stock law fence on dividing line between Henderson and Transylvania counties, from Bradley's creek on the Vanderbilt estate to Buncombe county line, shall be constructed and maintained by Henderson county, so as the same shall be sufficient to turn stock: *Provided*, the commissioners of Henderson county shall be allowed to build such a fence as is necessary to turn stock, and may declare such water courses, mountains, mountain ranges and parts of the same, as also other sufficient bounds and obstructions along said line to be and constitute a sufficient stock law fence, and when the said commissioners shall have constructed said fence or parts thereof as shall be in their judgment sufficient, and shall declare and spread the same upon their record, then and in that event the said water courses, mountains, mountain ranges or parts thereof, or their bounds or obstructions so declared by said commissioners shall be and constitute a lawful fence for all intents and purposes: *Provided*, that Henderson county shall build a lawful fence from the South Carolina line to Bradley's creek: *Provided further*, that in case any stock shall wander from Transylvania county into Henderson county between the points of Bradley's creek on the Henderson and Transylvania line and the top of Pisgah at the Buncombe county line the owners shall be entitled to recover the same without cost, but lawful cost shall be paid by Henderson county.

Proviso.

Water courses to be declared lawful fences

Proviso.

Further proviso.

SEC. 2. That the stock law shall be and is hereby declared to be in full force and effect in Henderson county, and it shall be unlawful for any person or persons, to allow their live stock of any kind to run at large within the said county.

Law in force in Henderson county.

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

Ratified the 15th day of February, A. D. 1899.

## CHAPTER 110.

### An act to provide for the cross-indexing of wills.

*The General Assembly of North Carolina do enact :*

SECTION 1. The board of commissioners for each county shall, within six months, at the expense of the county, not to exceed seven and a half cents for each will indexed, cause to be made and consolidated into one or more books a general alphabetical, cross-index of all wills filed or recorded in the office of the clerk of the superior court, and devising real estate or any interest therein, whether such devise appears on the face of said will or not.

General alphabetical cross-index of wills to be made in each county—expense—limit.

SEC. 2. The clerk of the superior court of each county shall thereafter keep up such cross-index as wills are recorded: *Provided*, the clerk shall index all wills recorded after the passage of this act without compensation.

Clerk to keep index. Proviso.

SEC. 3. Each book shall be durably bound and shall have on each left-hand page successive columns headed "devisor to devisee," when probated respectively, and on each right-hand page successive columns headed "devisee from devisor" and when probated respectively.

Book, how ruled and designated.

SEC. 4. Under the appropriate letter of the alphabet in column headed "devisor" on left-hand page shall be written the full name of each devisor, and to the right in column headed "devisee" shall be written the full names of devisees mentioned in the will or application for probate, and in column headed "when probated" shall be written the year when probated.

SEC. 5. Under the appropriate letter of the alphabet in column headed "devisee" on right-hand pages shall be written the full name of each devisee mentioned in the will or application for probate, and in the column to the right [left] headed "devisor" shall be written the full name of the devisor, and in column headed "when probated" shall be written the year when probated.

Full names of devisees and devisors, where to be written.

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

Ratified the 15th day of February, A. D. 1899.

## CHAPTER 111.

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

Commissioners of Watauga county authorized and empowered to levy a special tax.

SECTION 1. That the board of commissioners of Watauga county be and the same are hereby authorized and empowered to levy a special tax for the sum of three thousand dollars, one-half of said amount to be levied on all subjects of taxation and the poll in said county in the year eighteen hundred and ninety-nine, and the other half to be levied in like manner in the year nineteen hundred.

\$500 applied to payment of outstanding road debt.

SEC. 2. That five hundred dollars of said amount of three thousand dollars shall be applied to the payment of the outstanding public road debt of said county, the balance of said amount, two thousand five hundred dollars, to be used for the general county fund and for that purpose only.

Manner of levy.

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

How to be 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 other taxes are accounted for by him.

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

Ratified the 15th day of February, A. D. 1899.

## CHAPTER 112.

**An act to provide for the management of the Colored Normal School at Franklinton, North Carolina.***The General Assembly of North Carolina do enact :*

Control and management of State Colored Normal School at Franklinton, N. C.

SECTION 1. That the State Colored Normal School located at Franklinton, North Carolina, shall be under the control and management of a board of trustees, to be composed of five persons who shall be biennially appointed by the general assembly.

Trustees appointed.

SEC. 2. That H. C. Kearney, T. C. Joyner, R. B. White, H. E. Pearce and J. A. Thomas be and they are hereby appointed trustees of said Colored Normal School, who shall hold said position from the date of the ratification of this act until the first day

of June, nineteen hundred and one, and until their successors are appointed and qualified. That thereafter the terms of the successors of said trustees shall begin on the first day of June, nineteen hundred and one, and each successive two years thereafter and continue for two years and until the appointment and qualification of their successors.

SEC. 3. That within ten days after the ratification of this act said trustees shall meet in the town of Franklinton and organize as a board of trustees by electing one of their number as chairman and also electing a secretary and treasurer, who may be one of said trustees or not as said board of trustees may determine. Said secretary and treasurer shall execute a bond to said board of trustees in such sum as said board shall fix, conditioned for the faithful performance of his duties. Any vacancy occurring in said board of trustees shall be filled by the remaining members of said board.

SEC. 4. That said board of trustees upon their organization shall take possession of all the property, real and personal, and funds belonging to said school in the hands of any former board of trustees or member or officer thereof, and are hereby empowered to elect the superintendent and teachers of said school and fix their salaries and term of employment, and may remove said superintendent and teachers or any of them at any time in their discretion and appoint others in their stead; and shall generally have full authority in the management, supervision and control of said school.

SEC. 5. That any person having in his or her possession any property or effects of any sort belonging to said school shall deliver the same to said board or to any person appointed by said board to receive the same; and any person failing to comply with the provisions of this section shall be guilty of a misdemeanor and on conviction be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

SEC. 6. That upon the organization of the board of trustees as provided in this act it shall be the duty of the superintendent of public instruction to pay to said board of trustees or to the secretary and treasurer of the same all moneys in his hands or which may come into his hands heretofore or hereafter appropriated to said school or to its maintenance and support.

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

SEC. 8. This act shall take effect from and after its ratification. Ratified the 15th day of February, A. D. 1899.

Term of office.

Term of successors.

Trustees shall meet and organize within ten days after ratification of this act.

Vacancies filled by remaining members of the board.

Trustees authorized to take possession of property and elect teachers.

Persons having possession of any property of this school shall surrender it.

Moneys to be paid trustees.

## CHAPTER 113.

An act to authorize and regulate an action or actions to test the right to the possession, custody and control of the property of the State's Prison, and the convicts confined therein.

*The General Assembly of North Carolina do enact :*

Additional remedy to test claim or claims for possession of State's Prison and convicts.

SECTION 1. That in addition to the remedy prescribed by The Code, sections six hundred and three to six hundred and twenty-one inclusive, the board of directors of the State's Prison, of North Carolina, or the executive board thereof, or both, with or without the jointure of the state, shall have the right in an action for injunction or mandamus to test in the courts the claims of any claimant or claimants to the possession, custody and control of the property of the State's Prison and of the convicts therein confined.

Summons returnable at Wake superior court.

SEC. 2. The summons in said action or actions, if issued five days or more prior to a regular term of the superior court of Wake county, shall be made returnable to said term, and all issues of fact arising therein shall stand for trial thereat: *Provided*, the summons and complaint shall have been served at least five days prior to said term. Said cause shall have precedence of all other business civil and criminal.

Proviso.

Said cause shall have precedence. Leaving copy of summons at residence or place of business sufficient service.

SEC. 3. That leaving a copy of the summons or complaint at the residence or business office of any such claimant shall be deemed a sufficient service of such summons or complaint; that all questions and issues may be heard in or out of term, according to the practice in injunctions.

Court may grant relief.

SEC. 4. That in said action or actions the court may grant any proper relief prescribed in said sections six hundred and three to six hundred and twenty-one inclusive of The Code or any other proper relief.

Execution not stayed by appeal.

SEC. 5. That no appeal from the order or judgment of the court shall have the effect of staying the execution of said order or judgment; but if the same is reversed on appeal the defendant shall be restored to the said possession, custody and control: *Provided*, the supreme court so directs.

Effect of reversal.

Proviso.

When appellant shall enter appeal.

SEC. 6. That in case of an appeal the appellant shall enter the same at the time of the rendition of the judgment or granting of the order, and if no case on appeal is needed the said appeal shall be perfected and the transcript filed in the supreme court within five days after the actual rendition of said judgment or granting of said order. For the purpose of this section the term of the court shall not be held and deemed a single day.

Judge presiding shall fix time of appeal.

SEC. 7. That in all other cases except that prescribed in section six of this act the judge presiding shall have power to fix the

time within which the case on appeal shall be served and bond filed and also to fix the time for serving exceptions to said case: *Provided*, said times shall not be greater than those prescribed in The Code in matters of appeal. Proviso.

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

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

Ratified the 15th day of February, A. D. 1899.

#### CHAPTER 114.

An act to amend chapter one hundred and fifty-four, public laws of eighteen hundred and ninety-one, relating to the lease of turpentine orchards.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter one hundred and fifty-four of the public laws of eighteen hundred and ninety-one be and the same is hereby amended by striking out in section one, line three, the word "April," and inserting in lieu thereof the word "January": *Provided*, this act shall not apply to the counties of Montgomery, Richmond, Columbus, Brunswick, Robeson, Moore, Onslow, Cumberland, Harnett. Chapter 154, public laws of 1891, amended.  
Proviso.

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

Ratified the 15th day of February, A. D. 1899.

#### CHAPTER 115.

An act to authorize the town of Elizabeth City to issue bonds and levy a special tax.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the question of issuing bonds of town of Elizabeth City in an amount not exceeding thirty thousand dollars to be expended as hereinafter provided is hereby authorized to be submitted to the qualified voters of said town of Elizabeth City. Question of Elizabeth City issuing bonds.

SEC. 2. That an election for this purpose shall be called and held at the same time and in the same manner as is now provided for the first election of commissioners of said town. Those in favor Election authorized.  
Time and manner of holding election.

of issuing the bonds shall vote a ticket having thereon the word "Bonds," and those opposed shall vote a ticket having thereon the words "Against bonds."

Poll-holders and registrars to meet and make abstract of votes.

SEC. 3. That the poll-holders and registrars of election on the day after the same is held shall count in their respective wards and make an abstract of the votes cast and file the same with the board of commissioners of Elizabeth City at their first regular meeting after their election, as is now provided for by act of this assembly, at which time the said board shall examine the returns made to them as aforesaid and decide the result of election. If it shall appear that a majority of the qualified voters of the town shall have voted in favor of the bonds then said board of commissioners shall cause the same to be prepared and issued, said bonds shall be signed by the mayor of said town and countersigned by the clerk; the interest on said bonds shall be at the rate of five per centum per annum, payable semi-annually, represented by coupons attached, lettered and numbered corresponding to the bonds of which they represent the interest.

If bonds ordered, interest on, when payable, etc.

Commissioners authorized to levy special tax.

SEC. 4. That in order to meet the payment of said bonds and the accruing interest thereon, the said board of commissioners are hereby authorized and empowered to levy and collect a special tax not exceeding twenty cents on the one hundred dollars of assessed valuation of all the property, both real, personal, choses in action and solvent credits within the corporate limits of said town.

Bonds to be negotiated by commissioners.

SEC. 5. That said bonds when issued shall be placed in the hands of the board of town commissioners and shall be negotiated to the best advantage by and under the direction of the said town commissioners and the proceeds thereof shall be paid over to the town treasurer and used under the direction of the said town commissioners for the following purposes, to wit: To broaden, lay out, improve, pave and put in order the streets of Elizabeth City and pay for the lands condemned and used for opening, widening and improving said streets in such manner and to such extent as may seem best to said board of commissioners: *Provided*, that said bonds shall not be sold for less than their par value.

Purposes for which bond proceeds shall be used.

Commissioners may require treasurer to increase his bond.

SEC. 6. That said town commissioners shall have the power to cause the treasurer to increase his bond before the proceeds from the sale of said bonds shall go into his hands in such sum as they may deem advisable, not to be less than fifty thousand (\$50,000) dollars nor more than one hundred thousand (\$100,000) dollars.

Denomination of bonds.

SEC. 7. That said bonds shall be of the denomination of one hundred (\$100) dollars each and shall bear interest from the date of their issue.

SEC. 8. That all laws in conflict with this act be and the same hereby repealed. Conflicting laws repealed.

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

Ratified the 16th day of February, A. D. 1899.

CHAPTER 116.

An act to amend chapter one hundred and ninety-four, public laws of eighteen hundred and ninety-five.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter one hundred and ninety-four, public laws of eighteen hundred and ninety-five, be and the same is hereby amended by adding thereto the following sections:

“Section 8. That in case of an election held under the provisions of this chapter the votes shall be by townships, and if the majority of qualified voters in any township vote in favor of said levy, said tax shall be levied upon said township.”

“Section 9. That the taxes levied in and by the respective townships which vote in favor of said road tax shall be expended in the said respective townships in and for which the taxes are levied.”

“Section 10. That this act shall only apply to the county of Lincoln.”

Section 11. That this act shall be in force from and after its ratification.

Ratified the 16th day of February, A. D. 1899.

CHAPTER 117.

An act to supply certain counties with supreme court reports.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the secretary of state be and he is authorized to furnish to the clerks of the superior court of the counties of Swain and Graham all the supreme court reports from the sixty-third to the seventy-sixth report inclusive.

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

Ratified the 16th day of February, A. D. 1899.

Secretary of state authorized to furnish superior court clerks of Swain and Graham counties with certain reports.

## CHAPTER 118.

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

*The General Assembly of North Carolina do enact :*

Commissioners of Clay county authorized to borrow money and issue bonds.

SECTION 1. That for the purpose of building one or more bridges in Clay county the commissioners of Clay county are hereby authorized and empowered to borrow a sum not exceeding three thousand dollars at a rate of interest not exceeding six per centum per annum, and to issue bonds therefor.

Bonds, how signed and authenticated.

SEC. 2. That said bonds shall be signed by the chairman of the board of commissioners of Clay 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 interest thereon annually from the date of said bonds.

Denomination of bonds.

SEC. 3. That said bonds shall be issued in denominations of not less than fifty (\$50) dollars nor more than five hundred dollars, and that five hundred dollars of said bonds shall become due and payable one year after the date thereof and five hundred dollars shall become due and payable each succeeding year after the maturity of the first five hundred dollars in bonds until all shall be paid, which times of payment shall be expressed upon the face of said bonds, together with the place where the same shall be payable.

Bonds, when due.

Commissioners authorized to levy a special tax.

SEC. 4. 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 so 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 aforesaid, until the final payment of said bonds shall be provided for, maintaining the constitutional equation between property and poll.

Taxes, how collected.

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.

Liability of treasurer.

SEC. 6. That the said treasurer shall receipt for the 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 as due and payable, and the fund arising from said taxes over and above the costs and charges incident thereto shall be applied to no other use than the payment as aforesaid.

Fund arising from bonds, how applied.

SEC. 7. That for the purpose of procuring said loan the said

commissioners are authorized to advertise for bids for the whole, or any part thereof, and may accept or reject any or all of such bids, or dispose of said bonds in any other way which in their discretion they may deem best for the interest of said county; *Provided, however,* that no bond shall be sold for less than par.

Commissioners authorized to advertise for bids.

SEC. 8. That said coupons shall be receivable in payment of all county taxes.

Proviso.

Coupons receivable in payment for taxes.

SEC. 9. That the clerk of said board of commissioners shall keep a book in which he shall keep an account of the number and denomination of said bonds issued as aforesaid, and the persons to whom the same are payable. Said clerk shall also keep an accurate account of the bonds and coupons attached to said bonds which shall be paid, taken in, or otherwise cancelled, so that by inspection of said book the true status of the bonded debt of said county herein provided for may be readily ascertained. Said book shall be at all times open for the inspection of any taxpayer of said county.

Clerk shall keep a record.

SEC. 10. That as soon as the said bonds are issued, signed and countersigned, as hereinbefore provided, the said commissioners shall place the same in the hands of the treasurer of said county, who shall countersign the same and deliver to such purchasers, upon their compliance, upon such terms as may be designated by said board of commissioners by order directed to the treasurer, and said treasurer shall make out and return to said commissioner an accurate account of the number and denomination of said bonds, and where delivered; and the said treasurer shall receive all proceeds of the sale and disposal of said bonds, hold such 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 that he shall be and is responsible for the custody and keeping of the moneys of said county as treasurer thereof.

Bonds, how signed and delivered.

Treasurer shall hold proceeds subject to direction of board.

SEC. 11. That this act shall be in force from and after its ratification.

Ratified the 16th day of February, A. D. 1899.

## CHAPTER 119.

An act supplemental to "An act to improve the roads in Anson county."

*The General Assembly of North Carolina do enact:*

SECTION 1. That the act of this general assembly, ratified the twenty-sixth (26th) day of January, eighteen hundred and ninety-nine, and entitled "An act to improve the roads in Anson county," wherein the same relates to Wadesboro township, shall be held

Act ratified January 26th, 1899, shall be construed to refer to town of Wadesboro, etc.

and construed to relate to and include the town of Wadesboro and any other incorporated town in said township, as well as the portion of said township outside the corporate limits of said towns in the matter and question of voting for and issuing bonds and of voting for and levying taxes for the purposes defined in said act.

Subjects of taxation shall be included within meaning of act

SEC. 2. That in any tax levy in any other township in Anson county, made in pursuance of said act, any incorporated town therein and the subjects of taxation in any such town shall be included within the meaning and intent of said act.

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

Ratified the 10th day of February, A. D. 1899.

#### CHAPTER 120.

##### An act to prohibit shooting guns or pistols in the towns of Sparta, Alleghany county, and Jefferson, Ashe county.

*The General Assembly of North Carolina do enact:*

Shooting guns in Sparta and Jefferson unlawful.

SECTION 1. That it shall be unlawful for any person wantonly or in sport to shoot or discharge any gun or pistol in or within one hundred yards of any street in or any public road leading out of the towns of Sparta in Alleghany county and Jefferson in Ashe county for a distance of one-fourth mile from the court-houses in said towns.

Misdemeanor. Penalty.

SEC. 2. That any person violating section one of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not to exceed fifty dollars or imprisoned not to exceed thirty days.

SEC. 3. That this act shall be in full force from and after April first, eighteen hundred and ninety-nine.

Ratified the 16th day of February, A. D. 1899.

#### CHAPTER 121.

##### An act to amend section one of chapter eighty-one, of public laws of eighteen hundred and ninety-seven.

*The General Assembly of North Carolina do enact:*

Section 1, chapter 81, public laws of 1897, relating to killing of deer in Hyde county, amended.

SECTION 1. That section one of said act be amended by placing after the word "do" in said section the following: "Provided, that all that portion of Hyde county between Alligator and Long Shoal rivers and bounding Mattamuskeet lake on the north, east and northeast be and the same is excluded from the application of this act."

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

Ratified the 16th day of February, A. D. 1899.

## CHAPTER 122.

An act relating to school district number three, Court House township, of Camden county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the school committee of white district number three in Court House township of Camden county are hereby forbidden to dispose of any property belonging to said school district by sale or otherwise during their present term of office.

School committee of white district No. 3, Court House township, Camden county, forbidden to dispose of certain property. Misdemeanor. Penalty.

SEC. 2. That any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be punished in the discretion of the court.

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

Ratified the 16th day of February, A. D. 1899.

## CHAPTER 123.

An act to repeal chapter four hundred and thirty-eight, public laws of North Carolina of eighteen hundred and ninety-seven, the same being 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. That chapter four hundred and thirty-eight of the public laws of North Carolina of eighteen hundred and ninety-seven be and the same is hereby repealed.

Chapter 438, public laws of 1897, relating to creation of public school district, repealed

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

Ratified the 16th day of February, A. D. 1899.

## CHAPTER 124.

An act to authorize the town of Durham to issue school bonds.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the aldermen of the town of Durham be and the same are hereby authorized to issue coupon bonds not to exceed in amount the sum of sixteen thousand dollars and in denominations of not less than twenty-five dollars nor more than one thousand dollars, bearing interest from date of bonds at a rate not to exceed six per centum per annum, and payable semi-

Aldermen of Durham authorized to issue bonds.

Denomination of bonds.

**Rate of interest.** 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 said aldermen and named therein, not to be less than three nor more than twenty-five years from date thereof; *Provided, however,* that the said aldermen of the town of Durham may divide said bonds into classes, as they may determine best 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 town of Durham and countersigned by the clerk of the board of aldermen 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 the said town; that a record shall be kept of the said bonds showing the numbers and denominations thereof and to whom sold, the dates of issuing thereof and when the same will mature, and the interest-bearing rate thereof, the amount received from the sale of the same and the date of paying the proceeds into the treasury of said town, and such other data in relation to the same as the board of aldermen may direct to be kept.

**Signature of bonds.**

**Disposition of bonds.**

**Liability of treasurer.**

**Treasurer's bond may be renewed.**

**Funds thus arising shall be kept separate.**

SEC. 2. That the bonds hereby authorized to be issued shall not be sold for less than their face value, and the mayor of said town shall not deliver said bonds or any of them to the purchaser thereof until the purchase money thereof shall be paid to the treasurer of said town and his receipt to the purchaser produced before the mayor as evidence of such payment, and the treasurer of the town shall receive all such moneys paid in the purchase of the bonds in his official capacity as treasurer of said town, and he and the sureties on his official bond shall be liable to account for and pay over the same as is provided in this act or as may be otherwise provided by the laws relating to the treasurer of said town of Durham; and it shall be the duty of the board of aldermen of the said town of Durham to see to it that the bond of said treasurer shall at all times be sufficient in amount and with satisfactory sureties to provide against any loss of money arising from the sale of said bonds, and to that end may at any time require said treasurer to renew his official bond in such sum and with satisfactory sureties as they may require, and in default thereof remove him from his office as treasurer.

SEC. 3. That the treasurer of the town of Durham shall keep separate from all other public moneys coming into his hands the moneys arising as proceeds from the sale of said bonds and the same shall be expended by the school committee of the town of Durham, Durham county (the body corporate created by and existing under chapter eighty six, laws of one thousand eight hundred and eighty-seven, entitled "An act in relation to the

public schools in the town of Durham,") and said money shall be expended in the purchase of lands in the town of Durham and the erection thereon of suitable buildings (either or both of these as the said school committee may deem best) and in furnishing the same with necessary equipments and furniture for the accommodation of the public schools of the town of Durham, and for such other purposes as the said school committee may order the same to be disbursed; *Provided, however,* this act shall be submitted to the qualified voters of said town of Durham for their ratification or rejection at an election to be held in said town at such a time as the aldermen may appoint within six months of the ratification of this act; the said election shall be advertised by the said board of aldermen of the said town of Durham for thirty days prior to the day of election in one or more newspapers published in said town, and the said election shall be held under the supervision of inspectors and poll-holders or judges of election appointed by the said board of aldermen, and the returns of the result of said election be made and certified in like manner as all other elections in said town, and in like manner the returns of said election and the result thereof be canvassed by the said board of aldermen and the result declared. At the said election those who are in favor of issuing said bonds shall vote "For school bonds" and those who are opposed shall vote "No school bonds" on written or printed ballot; that the number of the ballots cast for and against the said bonds and deposited in the ballot boxes provided for that purpose shall be counted and the result of the said election certified and returned to the said board of aldermen of the town of Durham, and the same, when canvassed and declared as aforesaid, shall be certified under the hands of the mayor of the said town and the said clerk of the said board of aldermen and the corporate seal of the said town of Durham to the secretary of state, which said certificate of result of said election shall be filed by the secretary of state in his office. If at said election a majority of the qualified voters of the town of Durham shall not vote "For school bonds," then this act shall be thereafter of no force and effect; but if at the said election the ballots cast "For school bonds" shall be a majority of all the votes cast and also a majority of all the qualified voters of the said town of Durham, then the said board of aldermen shall proceed at once to issue and sell bonds or so many thereof as shall be necessary in the judgment and discretion of said school committee of the town of Durham in Durham county for the purposes aforesaid.

Funds thus arising, how expended.

Proviso.

Shall be submitted to qualified voters.

Manner of holding election.

Form of ballot.

If "for bonds," when issued.

SEC. 4. In order to pay the interest on said bonds and to create a sinking fund to pay the principal of said bonds at maturity the board of aldermen of the town of Durham shall levy and collect a special tax of six cents on every hundred dollars worth of taxa-

Commissioners shall levy special tax to pay interest and create sinking fund.

ble property in the said town and eighteen cents on each taxable poll, or such other special taxes as may be necessary for that purpose, observing the equation of taxation between property and polls fixed by the constitution for the purpose of state and county taxation, and the money paid into the said town treasury received from the taxes under this act shall be appropriated for the payment of said bonds and coupons and for no other purpose whatsoever: *Provided*, all moneys remaining in the treasury belonging to said fund after all the aforesaid bonds and coupons shall have been redeemed may then be transferred by order of said school committee to the general funds of said town of Durham.

Proviso.

Residue.

Trustee may be appointed.

SEC. 5. The board of aldermen of the town of Durham may, if in their opinion at any time it becomes necessary or advisable, appoint a trustee whose duty it shall be to receive from the tax collector of the town of Durham all taxes collected under this act for the purpose of paying the interest on said bonds and for creating a sinking fund to pay the principal of said bonds at maturity; and the said board of aldermen may prescribe the duty of said trustee, fix the amount of his compensation and the bond for the faithful performance of duty on his part. It shall be the duty of the said trustee to invest or lend the money coming into his hands for the purpose of creating a sinking fund in safe securities and upon real estate situated in the town of Durham; *Provided, however*, that no such investment or loan shall be made without the consent and approval of the school committee of the town of Durham, Durham county.

Duties of trustee, by whom prescribed.

Proviso.

Compensation of treasurer.

SEC. 6. The treasurer of the said town of Durham shall be allowed in full payment for his services a commission of one per centum of the amounts disbursed under this act arising from the sale of said bonds, but shall not be allowed anything for receiving the same from the town tax collector.

SEC. 7. This act shall take effect from and after its ratification. Ratified the 16th day of February, A. D. 1899.

## CHAPTER 125.

### An act to secure a better drainage of Lockhart's creek, in Lincoln county.

*The General Assembly of North Carolina do enact:*

Drainage commissioners.

SECTION 1. That Levi Shrum and J. J. Little be appointed commissioners to supervise and enforce a better drainage of Lockhart's creek in Lincoln county from its mouth at Clarke's creek to the ford of said creek at Daniel Thornton's and John Little's line.

SEC. 2. That in case of a vacancy occurring by death or otherwise of either or both of said commissioners it shall be the duty of the county commissioners of Lincoln county, upon application of any interested land owner on said creek, to appoint some suitable person owning land on said creek to fill such vacancy.

Vacancies occurring:

SEC. 3. That said commissioners shall appoint an overseer who shall serve for a term of two years from his appointment and until his successor is qualified.

Commissioners shall appoint overseer.

SEC. 4. It shall be the duty of said commissioners at least twice in every year to examine said stream and notify the said overseer of any and all work necessary and proper to be done in order to keep said stream free from obstructions and the bank thereof clean; and so also notify the said overseer of any alterations or changes that should be made in the channel of said stream. It shall be the duty of said overseer, upon such information received from said commissioners within five days thereafter, to notify the respective land owners of what work is needed along said stream.

Commissioners shall examine stream.

SEC. 5. That each land owner along said stream shall keep the bed of said stream adjoining his land clean from logs, brush and other obstructions, and to keep the banks of said stream clean for a distance of four feet from said bank, and to widen and straighten and change the channel of said stream when deemed necessary by the said commissioners.

Land owners shall perform certain duties.

SEC. 6. That each land owner shall within fifteen days after notification by said overseer begin and continue until he has completed any work required of him in accordance with the directions of said overseer.

When notice is given by overseer.

SEC. 7. That each land owner shall be required to furnish such implements and means for working, clearing and removing obstructions and straightening and changing the channel of said stream as are necessary and proper for such work, and shall be required to work such time as the said overseer may deem necessary and proper, not exceeding twenty days in a year.

Land owners shall furnish implements.

SEC. 8. That any person who shall willfully refuse to perform the work required of him for the space of fifteen days after such notification shall be guilty of a misdemeanor and on conviction shall be fined not less than five nor more than twenty dollars or imprisoned not more than thirty days; *Provided*, that if any person or persons so offending shall pay the penalty herein mentioned to the overseer of the section wherein the offense was committed before a presentment is made of the same, he or they shall not be liable to indictment for said offense.

Persons refusing to perform work.

Misdemeanor.

Penalty.

Proviso.

SEC. 9. That all moneys arising from failure to work on said creek and all fines and penalties collected under the provisions of this act shall be paid to the said overseer and by him expended under the direction of said commissioners in improving the chan-

Moneys arising from fines

How applied.

nel of said stream and in performing the work which was neglected by such land owner or land owners.

Overseers failing to perform duty.

SEC. 10. That any overseer who shall fail or neglect to perform the duties required by this act shall be guilty of a misdemeanor and on conviction thereof shall be fined not more than twenty dollars or imprisoned not more than thirty days: *Provided*, no person shall be required to serve as such overseer without his consent for more than one term of two years at any one time.

Proviso.

Shall not prevent building of bridges.

SEC. 11. That nothing contained in this act shall prevent the building of public bridges on public roads across said stream or private bridges or water-gates by the land owners for their own convenience.

Public road duty not remitted.

SEC. 12. That nothing herein contained shall be so construed as to prevent persons herein mentioned from working on public roads.

SEC. 13. This act shall be in force from and after its ratification. Ratified the 16th day of February, A. D. 1899.

#### CHAPTER 126.

An act to amend section six hundred and sixteen of The Code in relation of the service of process in actions of quo warranto.

*The General Assembly of North Carolina do enact :*

Section 616 of The Code, regarding service of summons of quo warranto, amended.

SECTION 1. That section six hundred and sixteen of The Code be amended by adding the following at the end of said section; *Provided further*, that the service of the summons and complaint as hereinbefore provided may be made by leaving a copy thereof at the last residence or business office of the defendant or defendants, and the same shall be held and deemed a legal service of the said summons and complaint.

Copy of service or summons may be left at last residence or business office.

SEC. 2. This act shall be in force from and after its ratification. Ratified the 17th day of February, A. D. 1899.

#### CHAPTER 127.

An act to establish and provide for the organizing of the county of Scotland from the territory of Richmond county.

*The General Assembly of North Carolina do enact :*

County of Scotland created and established.

Of what territory composed.

SECTION 1. That a county by the name of Scotland be and the same is hereby created and established out of and embracing Laurel Hill, Spring Hill, Stewartville and Williamson's townships in Richmond county, the whole to lie within and have the following specified bounds, that is to say; Beginning at a point

in the line between the states of North Carolina and South Carolina, where the county of Robeson and the county of Richmond in the state of North Carolina converge on said state line; thence in a northerly direction with the line between the counties of Richmond and Robeson in the state of North Carolina to Cumberland county; thence with the line between Richmond and Cumberland counties to Moore county; thence with the line between Moore and Richmond counties to the line between Beaver Dam and Spring Hill townships in Richmond county; thence with the line between the townships of Beaver Dam, Rockingham and Mark's Creek townships in Richmond county, and being the line dividing said townships from the townships of Spring Hill, Laurel Hill and Williamson's in the said county of Scotland to the line between the states of North Carolina and South Carolina; thence with said state line to the beginning.

SEC. 2. That the said county of Scotland shall be and is hereby invested with all the rights and powers and privileges of the several counties of the state under general laws regulating the same, and shall be subject to such laws as now exist or shall hereafter be enacted for the government of counties.

SEC. 3. That Peter McRae, Esq., and W. H. McLaurin, Esq., of said county of Scotland be and they or either of them are appointed commissioner or commissioners on the part of Scotland county, and they or either of them shall meet a commissioner or commissioners who shall be appointed by the board of commissioners of the counties of Richmond and Robeson at their first meeting during the year Anno Domini one thousand nine hundred; and the said commissioners herein provided for shall proceed to select a competent surveyor, and being sworn they shall survey and mark the line between said county of Richmond and the county of Scotland and the county of Robeson, as designated in this act, and make a report of the same under their hands and seals or the hands and seals of any two of them representing opposite sides of said dividing line to the board of commissioners of each of said counties, which report shall be spread upon the minutes of said boards as a part of their records. The said commissioners shall furnish the said board of commissioners of each of said counties with a map of their survey. Said commissioners to survey said line shall have power to employ such persons as may be necessary for making said survey, and said commissioners and their helpers shall be allowed reasonable compensation for their service to be allowed by the board of commissioners of the county of Scotland: *Provided*, the commissioner or commissioners from Robeson county shall be paid by the board of commissioners of Robeson county, and that said survey between the

Boundaries.

General powers.

Peter McRae and W. H. McLaurin appointed commissioners to meet two like commissioner to be appointed by commissioners of Richmond and Robeson.

Duties of commissioners. Shall appoint surveyor.

Report.

Shall furnish maps.

Compensation of commissioners and helpers. Proviso.

counties of Robeson and Scotland shall be made in accordance with the acts creating the counties of Robeson and Richmond.

Sheriff and other county officers of Richmond shall continue to exercise functions of office over detached portion for certain time.

SEC. 4. That the sheriff and other county officers of the county of Richmond shall continue to exercise the functions of their respective offices in the detached portions of said county until the officers of the county of Scotland shall have been elected and qualified according to law. All township officers in said portion herewith detached from Richmond county shall continue and be officers in the county of Scotland as freely and fully and with the like duties, powers and requirements for said officers as in other counties and for such term as they held or may hold under their appointment or election in and for the county of Richmond: *Provided*, that all such officers shall within the month of December, Anno Domini nineteen hundred, file with the clerk of the superior court or the board of commissioners, as required originally of said county of Scotland, a proper certificate of original qualifying: *And provided further*, that each of said officers shall take before the officers with who [whom] said certificate be filed the oath of office required generally for said officers.

Proviso.

Officers shall file within month of December, 1900, certain certificate.

Election of officers at next general election.

How elected.

SEC. 5. That at the general election next ensuing for such officers there shall be an election for sheriff, clerk of the court, register of deeds, coroner, surveyor and such other county and township officers as shall be regularly elected by other counties, excepting county treasurer, for the county of Scotland, to be voted for by the qualified voters at such election in the county of Scotland. And the several officers of Richmond county shall be empowered and it shall be their duty to conduct said election for the county of Scotland in all respects for said county as the said officers shall be required to do for the county of Richmond, making out different returns, separate canvasses of votes and in all respects keeping the votes of said counties separate, and tabulating them and reporting them separately as required by law in and for the county of Richmond. Said officers of the county of Richmond shall serve all papers, post all notices and do any and all things in and for the county of Scotland as generally required of and for other counties by the officers thereof, and shall issue such commissions to the officers elect of said county of Scotland as shall be required of them for the county of Richmond.

County of Richmond shall serve papers, etc.

Commissioners of Richmond county shall make tax levy for Scotland for year 1900. Special tax laws shall apply.

SEC. 6. That the board of commissioners of the county of Richmond or other officers making tax levy for said county for the year Anno Domini nineteen hundred shall make a like levy for the county of Scotland for said year. And all laws appertaining to special taxes for said county of Richmond shall apply and continue to apply to said county of Scotland until repealed and shall be binding upon the county of Scotland and its officers as completely as if enacted especially for the county of Scotland.

SEC. 7. That the several courts of the state shall have jurisdiction in and over the county of Scotland as such county on and after the first Monday in December, Anno Domini one thousand and nine hundred, to the same extent and in the same manner as the said courts have in and over the several counties of the state, and on and after said first Monday in December, Anno Domini nineteen hundred, the said courts shall have jurisdiction of all matters within the county of Scotland as the said courts would have over the same matters and things without the formation of said new county. And it shall be no defense by plea or otherwise as to jurisdiction of said courts over causes of action arising or that have arisen within the territory embraced in said Scotland county territory. brought into the courts of said county of Scotland, that the said cause of action arose before the formation of the county of Scotland: *Provided*, that this shall in no way affect any of the statutes of limitation governing causes generally.

State courts shall have jurisdiction.

Certain plea no defense as to jurisdiction.

Proviso.

SEC. 8. That the superior courts of the county of Scotland shall sit in the town of Laurinburg and the several offices required to be kept at the court-[house] shall be kept in said town.

Laurinburg the county-seat.

SEC. 9. That all civil and criminal cases pending in the superior court of Richmond county or any other county court held in said county of Richmond wherein the parties-plaintiff and defendant, or where the party-defendant resides in said county of Scotland or where the criminal offense charged was committed in said county of Scotland shall upon motion of defendants in criminal causes therein pending or upon motion of either party to civil causes be transferred to the superior or other proper court of Scotland county. Such motion for removal shall be made at the first term of the court wherein the cause shall be pending which shall sit or be holden after the first Monday in December, Anno Domini nineteen hundred, and such transfer shall in no way work any preference or prejudice: *Provided*, that the judge of the court wherein such civil causes shall be pending shall be empowered to exercise his discretion as to the removal of civil causes, and may deny such motion for removal, upon objection made by opposing party to said action. It shall be the duty of the clerk of the court of Richmond county to transmit the original papers in all such causes removed, together with proper record of all such causes removed.

Certain actions now pending in Richmond county may be transferred to Scotland.

Motions for removal, when made.

Proviso.

Judge presiding may exercise discretion as to removal.

Clerk shall transmit original papers. Provisions for superior court.

SEC. 10. That if this session of the general assembly shall make no provision for the holding of courts in said county of Scotland, it shall be the duty of the board of county commissioners of said county to apply to the governor of the state for a term to be holden as often as one each spring and one each fall, and it shall be the duty of the governor to order such terms to be held at such times as he shall be able to assign a judge to hold the same,

Governor shall order courts.

preferably when the judge riding the district embracing said county shall be able to hold the same. And it shall be the duty of said judge to hold said court, if he be not otherwise engaged, as fully as if said court were regularly provided for as one of the regular courts of said district; but if said judge be unable for any cause to hold said court whenever it may be ordered, then it shall be the duty of the governor to assign some other judge to hold the same, who shall receive the usual compensation for the holding of extra terms of court. And it shall be the duty of the board of commissioners of the county of Scotland to advertise the time of holding said courts for six weeks beforehand in some paper published in said county, or in some paper having a circulation in said county if there be none published in said county: *Provided*, that judgments, orders and decrees may be entered in all cases, if said time of holding said courts be advertised thirty days, and said term shall be legal in every respect as to having been advertised: *Provided further*, that advertising the time of holding said courts for twenty days shall be sufficient in law, but no judgment shall be entered by default in any civil case unless said term be the return term, and unless summons or other process has been personally served citing the defendant or defendants to appear on a day certain, being the return day of said process. All process, civil and criminal, shall be made returnable to said courts, and when it shall be necessary to issue such process or take any recognizance or bond for the appearance of any person at any of said courts, and if the time of holding same be not known by the person or officer taking or issuing same, it shall be sufficient to make the same returnable to the next term of the said courts without specifying a day certain: *Provided*, that if the time of holding said courts be otherwise regulated by statute, this section shall be void.

Commissioners shall advertise time of holding court.

Proviso.

Proviso.

Processes shall be made returnable to Scotland courts.

Proviso.

Commissioners shall select a site for erection of jail

Proviso.

Shall be let to lowest responsible bidder.

Proviso.

Until completion of jail persons liable may be committed to Richmond county jail.

Proviso.

Commissioners may procure suitable buildings for transaction of other business.

SEC. 11. The county commissioners of the said county of Scotland shall select a site for the erection of a jail within one mile of the center of the town of Laurinburg, and shall contract for the building of the same: *Provided*, that it shall be let to the lowest responsible bidder by advertisement of the county commissioners. Said bidder shall enter into bond with sufficient sureties to be approved by the commissioners, to build and complete said jail according to specifications furnished by said commissioners; *Provided further*, that until the erection of a suitable jail in said county all persons liable to imprisonment by any process, civil or criminal, in said county may be committed to the jail of Richmond county: *Provided further*, that the said commissioners of said county may procure suitable buildings for the transaction of all county business, and may contract for a term of years for same, if they deem it expedient so to do.

SEC. 12. That said county of Scotland shall have one representative in the house of representatives of the general assembly, and Richmond county shall have one; said county of Scotland shall be a part and parcel of the senatorial, congressional and judicial districts of which Richmond county shall be a part and parcel.

Representation in legislature, etc.

SEC. 13. That all real estate which may be bought by the commissioners of said county for the purposes of this act shall be conveyed to the board of commissioners of the county of Scotland for the use of said county.

To whom title for real estate bought by commissioners shall be made.

SEC. 14. That said county of Scotland shall bear its proportionate part of the debt of Richmond county, both bonded and floating outstanding on the first Monday in December, Anno Domini nineteen hundred, and the proper levying officers shall proceed according to law to levy taxes to pay the same as it becomes due, and the tax collector of said county shall collect the said taxes so levied.

Shall bear its proportion of Richmond county debts.

SEC. 15. That the board of commissioners of the county of Richmond at their December meeting, Anno Domini nineteen hundred, shall appoint two (2) freeholders as arbitrators, and the board of commissioners of the said county of Scotland shall appoint a like number at their first meeting, and said arbitrators herein provided for shall meet in the town of Rockingham on the Monday next after their appointment, and from time to time thereafter until their work has been completed, and after being sworn said arbitrators shall ascertain the outstanding indebtedness of Richmond county on said first Monday in December, Anno Domini nineteen hundred, and upon the basis of tax valuation of the county of Richmond and the county of Scotland shall determine the amount proportional to each county of said indebtedness, which indebtedness shall be paid in accordance with such finding: *Provided*, the board of commissioners of either

Providing for the appointment of certain arbitrators.

county may appeal to the superior court of Richmond county as provided for appeals from boards of commissioners. And it shall be heard as other causes and may be removed to another county, upon motion, upon affidavit filed, if the presiding judge shall deem it proper to remove the same. And the said arbitrators shall determine the proportionate part of the funds on hand which should be awarded to each of said counties and shall determine what taxes shall be due and collectible by each of said counties, and shall certify their findings to the board of commissioners of each of said counties, and their finding shall be binding upon said counties. And from any of said findings a like appeal may be had as herein provided. Said arbitrators shall be empowered to select an umpire who shall serve with them after being sworn, and said arbitrators and umpire shall be empowered

Shall ascertain indebtedness of Richmond county, etc.

Proviso.

Commissioners of either county may appeal.

Duties of arbitrators.

Shall certify findings.

Arbitrators empowered to select umpire.

Duties and powers of umpire.

to send for parties and papers, administer oaths and punish for contempt as provided for boards of county commissioners.

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

Ratified the 20th day of February, A. D. 1899.

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#### CHAPTER 128.

##### An act to amend section three thousand eight hundred and six of The Code, in relation to government of cities and towns.

*The General Assembly of North Carolina do enact :*

Section 3806 of The Code amended.

SECTION 1. That after the word "town" in the third line of section three thousand eight hundred and six of The Code there shall be added these words, "said fines and penalties shall be paid into the treasury of said town for municipal purposes."

Towns shall not be liable for fines heretofore collected.

SEC. 2. That no action shall be brought or maintained against any town for the recovery of any fines and penalties heretofore collected, and this act shall apply to existing actions.

Conflicting laws repealed.

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

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

Ratified the 21st day of February, A. D. 1899.

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#### CHAPTER 129.

##### An act amendatory to the stock law in Jackson county.

*The General Assembly of North Carolina do enact :*

Claims for repairing fences, etc., around the stock law territory in Jackson county, how settled.

SECTION 1. That all claims for building, repairing and maintaining fences and gates around any "stock law" territory in Jackson county, whether the same be done under the supervision of a committee or under the direct supervision of the commissioners of said county, shall be approved and audited by the board of commissioners of said county before the same shall be a valid voucher in the hands of the county treasurer.

How such claims shall be entered.

SEC. 2. That when such stock law claims are audited the board of commissioners of said county shall cause the same to be entered upon the "record of accounts" of said county, specifying the particular "stock law boundary to which each claim is charged."

SEC. 3. That all claims now outstanding against the various stock law territories in said county must be brought before the board of commissioners of said county and audited as aforesaid before the same shall be valid vouchers in the hands of the county treasurer: *Provided*, that the commissioners shall not be allowed to plead the two years statute of limitations to any of said claims.

Outstanding claims must be brought before commissioners.

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

Conflicting laws repealed.

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

Ratified the 21st day of February, A. D. 1899.

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#### CHAPTER 130.

An act to amend an act entitled "An act to repeal chapter fifty-one of the acts of the general assembly of eighteen hundred and ninety-seven."

*The General Assembly of North Carolina do enact:*

SECTION 1. That the act of the general assembly of eighteen hundred and ninety-nine, entitled "An act to repeal chapter fifty-one of the acts of the general assembly of eighteen hundred and ninety-seven," ratified February third, eighteen hundred and ninety-nine, be amended as follows: After the word "distance" and before the word "provided" in section four thereof, insert the words, "or seine within such mile and a half," which words shall be taken and considered a part of the said section.

Act amending certain act relating to fishing in the Albemarle sound and the rivers emptying therein.

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

Ratified the 21st day of February, A. D. 1899.

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#### CHAPTER 131.

An act to amend chapter one hundred and nine (109) public laws of eighteen hundred and ninety-seven.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and nine (109), public laws of eighteen hundred and ninety-seven, entitled "An act in regard to the trial of civil actions," be amended by striking out section three (3) thereof, and inserting in lieu thereof the following:

Chapter 109, public laws 1897, in regard to trial of civil actions, amended.

Motion refused,  
defendant may  
except and  
appeal.

“Sec. 3. That if the motion is refused, the defendant may except and appeal, or he may thereupon introduce his evidence just as if he had not made the motion. In this case he shall be deemed to have waived his exception unless he shall renew his motion after all the evidence on both sides is in. If the motion is then refused upon a consideration of all the evidence he may except, and after the jury shall have rendered its verdict he shall have the benefit of his exception on appeal to the supreme court.”

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

Ratified the 21st day of February, A. D. 1899.

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### CHAPTER 132.

An act to amend chapter two hundred and seventy, public laws of eighteen hundred and ninety-five.

*The General Assembly of North Carolina do enact:*

Section 3, chapter 270, public laws of 1895, relating to bonds of county officers in security companies, amended. County commissioners may accept bonds. Section 4, relative to annual examination of bonds, etc., repealed.

SECTION 1. That section three of chapter two hundred and seventy (270), public laws of eighteen hundred and ninety-five, be and is hereby amended by striking out in line ten of said section the word “shall” and substituting therefor the word “may.”

SEC. 2. That section four of said act be and is hereby repealed.

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

Ratified the 21st day of February A. D. 1899.

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### CHAPTER 133.

An act to regulate shooting of wild fowl in Dare county.

*The General Assembly of North Carolina do enact:*

Section 2340 of The Code, and subsequent laws relating to shooting of wild fowl in Dare county, repealed. Club houses, etc., shall pay license tax.

SECTION 1. That section two thousand eight hundred and forty of [The] Code and all subsequent laws relating to non-residents shooting wild fowl afloat in the waters of Dare county are hereby repealed so far as the same applies to Dare county.

SEC. 2. That each and every club-house, shooting lodge or other place of resort for sportsmen in said county shall pay a license tax to go to the school fund of said county of twenty-five dollars per annum, which shall entitle the members of said club or shooting lodge and the guests thereof to shoot wild fowl afloat

without further taxation within four miles of the said club-house or shooting lodge. Any and all non-residents who shall shoot from any boat or floating battery in the waters of said county unless within four miles of some licensed club-house or lodge of which he may be a member or guest shall forfeit and pay to the use of the school fund of said county twenty-five dollars for each and every offense and shall be guilty of a misdemeanor, punishable by a fine of not more than fifty dollars or imprisonment of not more than thirty days.

When within four miles of club-house.

SEC. 3. Any house for which the license tax of twenty-five dollars is paid as herein provided shall be considered a shooting club or lodge within the meaning of this act: *Provided*, any citizen may take out non-residence license for purpose of shooting wild fowl on payment of license tax of ten dollars for each and every battery so used.

Shooting club defined.

Proviso.

Any one may take out non-residence license.

SEC. 4. It shall be the duty of the sheriff and his deputies, every constable and justice of the peace for Dare county who may have reason to believe from information or otherwise that the provisions of this law have been violated, to diligently inquire and ascertain the facts of said violation. And said justice of the peace to issue a warrant for each violation thereof and bring the offender to trial and impose the provisions of this act by due process of law, and willful negligence in so doing shall be a misdemeanor.

Violation of this act.

SEC. 5. This act shall apply to the part of Dare county lying south of line passing east and west through the extreme north end of Roanoke island only, and the law heretofore in existence shall be and continue in full force and effect in all other parts of said county.

shall apply to certain parts of Dare county.

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

Ratified the 21st day of February, A. D. 1899.

#### CHAPTER 134.

An act entitled an act to repeal chapter one hundred and forty, of private laws of eighteen hundred and ninety-seven.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and forty of the private laws of eighteen hundred and ninety-seven, entitled "An act to work the roads in Northampton county by taxation," ratified on the ninth day of March, eighteen hundred and ninety-seven, be and the same hereby is repealed.

Repeals act to work roads in Northampton by taxation.

Road tax of 1898 covered into county fund.

SEC. 2. That the taxes levied under said act for the year eighteen hundred and ninety-eight be covered into the county treasury and used as a part of the fund for county expenses so as to reduce the levy for that purpose for the year eighteen hundred and ninety-nine.

Restores all laws repealed by said act.

SEC. 3. That all laws repealed by said act are hereby restored.

County commissioners to meet first Monday in February, 1899, and appoint overseers.

SEC. 4. That it shall be the duty of the board of county commissioners for said county to meet at Jackson on the first Monday in February, eighteen hundred and ninety-nine, and appoint overseers of the several public roads in said county and allot hands to work the same under the laws in force prior to the ratification of said act.

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

Ratified the 14th day of January, A. D. 1899.

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#### CHAPTER 135.

**An act to repeal chapter sixty-four of the laws of eighteen hundred and ninety-seven, relating to live stock in Halifax county.**

*The General Assembly of North Carolina do enact :*

Repeals the act permitting live stock to run at large December to March.

SECTION 1. That chapter sixty-four of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to live stock in Halifax county" be and the same hereby is repealed.

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

Ratified the 14th day of January, A. D. 1899.

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#### CHAPTER 136.

**An act to repeal chapter three hundred and one, laws of eighteen hundred and ninety-seven, relating to the stock law in Edgecombe county.**

*The General Assembly of North Carolina do enact :*

Repeals amendments of 1897 to chapter 106, laws of 1885.

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

SEC. 2. That this act take effect upon its ratification.

Ratified the 14th day of January, A. D. 1899.

## CHAPTER 137.

An act to repeal chapter two hundred and twenty-three of the laws of eighteen hundred and ninety-five.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter two hundred and twenty-three (223) of the public laws of North Carolina for the year eighteen hundred and ninety-five be and the same is hereby repealed and the office of cotton weigher for the town of Dunn in the county of Harnett is hereby abolished.

Act repealed, and office of cotton weigher for Dunn abolished.

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

Ratified the 14th day of January, A. D. 1899.

## CHAPTER 138.

An act to prevent fast riding and driving over bridges in Gaston county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That any person or persons who shall ride or drive any horse or horses, mule or mules or other animal or animals out of a walk over any public bridge in the county of Gaston 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 more than thirty (30) days.

Misdemeanor to ride or drive animal out of walk over public bridges.

Penalty.

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

Ratified the 14th day of January, A. D. 1899.

## CHAPTER 139.

An act to repeal chapter one hundred and twenty-eight, public laws of eighteen hundred and ninety-seven, in relation to certain cotton weighers in Anson county.

*The General Assembly of North Carolina do enact :*

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

Act appointing cotton weighers in Wadesboro, Morven and Lilesville repealed.

SEC. 2. That the term of office of cotton weighers elected in pursuance of said chapter of said laws shall not be affected by

But weighers appointed to hold till end of term. Successors, how chosen.

said repeal, and the same shall hold their offices for the time they were elected, but their successors shall be chosen in the same manner as cotton weighers for the towns therein named were chosen prior to said repealed act.

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

Ratified the 10th of January, A. D. 1899.

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#### CHAPTER 140.

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

*The General Assembly of North Carolina do enact :*

The act repealed.

SECTION 1. That chapter three hundred and sixteen of the laws of eighteen hundred and ninety-seven, entitled "An act to create a board of commissioners to manage and control the convict and road system for Mecklenburg county" be and the same is hereby repealed and the rights and powers of the board of commissioners of said county in all matters pertaining to the roads and bridges of said county, and to the convicts engaged in working the roads thereof, shall be as they were when the act hereby repealed was ratified.

Board of county commissioners restored to rights and powers of control of convicts, roads and bridges

The convict and road commission to account to board of county commissioners for property and money, and to turn over books, vouchers, etc.

SEC. 2. That it shall be the duty of the convict and road commissioners now in office under the provisions of the act which is hereby repealed to deliver to the board of county commissioners of said county or their duly authorized agents all the property now in their possession which belongs to the county and which is used and held by them under the provisions of said act, and to account for all money that came to their hands and to deliver to the county commissioner all their books of account and their vouchers so that the board of county commissioners may be able to ascertain what sums have been expended by the convict and road commission created by the act which is hereby repealed.

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

Ratified the 14th day of January, A. D. 1899.

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#### CHAPTER 141.

#### An act increasing the number of county commissioners for Jones county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the number of commissioners for the county of Jones is hereby increased to five for the term ending on the first Monday in December, nineteen hundred.

Number increased from three to five.

SEC. 2. That J. Hiram Bell and W. B. Hargett be and the same are hereby elected additional commissioners for the county of Jones for the term ending on the first Monday in December, nineteen hundred.

J. Hiram Bell and W. B. Hargett added.

SEC. 3. That their terms shall begin on the ratification of this act and shall continue till the first Monday in December, nineteen hundred.

Their term begins.

SEC. 4. That on the ratification of this act or as soon thereafter as practicable they shall qualify by taking the oath of office now prescribed by law for county commissioners, and they shall meet with the present county commissioners for said Jones county and they, the said J. Hiram Bell and W. B. Hargett, together with the present county commissioners, shall be and constitute the board of commissioners of Jones county.

To qualify and meet with present board.

SEC. 5. That if a majority of said board shall so desire, they may reorganize by electing one of their number chairman.

Majority of board may reorganize.

SEC. 6. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

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

Ratified the 16th day of January, A. D. 1899.

#### CHAPTER 142.

#### An act to repeal chapter two hundred and sixty-nine of the public laws of eighteen hundred and ninety-five.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter two hundred and sixty-nine of the public laws of eighteen hundred and ninety-five be and the same is hereby repealed: *Provided*, that nothing contained in this act shall apply to taxes levied prior to January the first, eighteen hundred and ninety-nine.

Repeals the act relating to interest upon taxes in Chatham county, but does not apply to taxes levied before January 1st, 1899. Proviso.

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

Ratified the 16th day of January, A. D. 1899.

#### CHAPTER 143.

#### An act to appoint a cotton weigher for the town of Dunn, Harnett county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That all cotton sold in bales in the town of Dunn, Harnett county, shall be weighed by a sworn cotton weigher, who shall give a bond to be approved by the board of county commissioners.

Baled cotton to be weighed by sworn weigher, under bond approved by county commissioners.

commissioners in the sum of five hundred dollars for the faithful performance of his duties.

Compensation eight cents a bale, paid by buyer.

SEC. 2. That the cotton weigher provided for by this act shall receive as compensation eight (8) cents for each bale weighed, to be paid by the buyer.

Term of office.

SEC. 3. That the term of office of said weigher shall be one year beginning on the fifteenth day of January of each year.

Appointed by board of county commissioners.

SEC. 4. That said cotton weigher shall be appointed by the board of county commissioners of said county.

Chairman to convene board in extra session.

SEC. 5. That the chairman of said board shall convene said board in extra session after five days' notice for the purpose of making the appointment provided for in this act.

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

Ratified the 15th day of January, A. D. 1899.

#### CHAPTER 144.

##### An act to provide for working public roads in Washington county.

*The General Assembly of North Carolina do enact :*

Chapter 242, laws of 1897, is repealed.

SECTION 1. That chapter two hundred and forty-two (242) of the laws of eighteen hundred and ninety-seven, entitled "An act to provide for working public roads in Washington county" be and is hereby repealed.

Chapter 50 of The Code, except section 2059, without amendments, declared to be in force in said county.

SEC. 2. That chapter fifty of The Code without any amendments heretofore made and all sections thereof except section two thousand and fifty-nine (2059) be and the same are hereby re-enacted and declared to be in full force and effect in the county of Washington.

Amends section 2016 of The Code, and states fee for service of notice by the sheriff.

SEC. 3. That section two thousand and sixteen (2016) of The Code be and is hereby amended by inserting after the word "section" in line ten and before the word "provided" in line ten the words, "the sheriff or other officer serving such notice shall receive a fee of thirty cents for service of each notice."

Amends section 2017 of The Code substituting six for ten.

SEC. 4. That section two thousand and seventeen (2017) of The Code be and is hereby amended by substituting for the word "six" in line six the word "ten."

Amends section 2019 of The Code and states fee for summons of hand by overseer.

SEC. 5. That section two thousand and nineteen (2019) of The Code be and is hereby amended by inserting after the word "road" in line four and before the word "but" in line four the words: "Such overseer shall receive fifteen cents, to be paid by the board of commissioners for each hand summoned not exceeding twenty and not exceeding four times in one year," and by inserting in line five instead of the word "two" the word "four."

SEC. 6. That it shall be the duty of the board of commissioners of Washington county on the first Monday in February, eighteen hundred and ninety-nine, and at each meeting thereafter, to apportion between the different boards of supervisors of Washington county all the money that shall have been collected up to that time under and by virtue of chapter two hundred and forty-two of the laws of eighteen hundred and ninety-seven according to the mileage of their respective townships, to be by such supervisors used for working the roads of their townships.

Board of county commissioners to apportion road fund collected under act of 1897 according to township mileage.

SEC. 7. That said board of commissioners for any failure to make the apportionment required in the preceding section shall be liable to a penalty of one hundred dollars each, to be recovered by any person suing for the same.

Penalty for failure to apportion fund.

SEC. 8. That this act shall apply only to Washington county.

Applies to Washington county only.

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

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

Ratified the 18th day of January, A. D. 1899.

## CHAPTER 145.

### An act for the better government of Hertford county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That A. I. Parker, J. C. Venson, Jesse H. Mitchell, Joseph G. Majett and B. F. Williams, of Hertford county in this state, be and they are hereby appointed members of the board of commissioners of said Hertford county with the same rights and powers and subject to the same duties and liabilities as members of said board as if they had been duly elected at the last general election in said county.

Five additional members of board of commissioners of Hertford county.

SEC. 2. That the three commissioners elected in said county at the last general election and the five appointed in this act shall constitute the board of commissioners for Hertford county, after they have taken the oath of office before the clerk of the superior court of said county or some acting justice of the peace of said county.

Five appointees to qualify, and with the three elected to constitute the board.

SEC. 3. That on the first Monday of February, eighteen hundred and ninety-nine, the five commissioners provided for in this act shall meet in session with the three commissioners now in office in the court-house in said county for the transaction of such business as may come before them, and they may organize the board by the election of one of their number as chairman of

The five to meet with the three first Monday in February, 1899, and may elect chairman.

Compensation not to exceed \$1 per day and mileage. Majority of the board to control action.

They may examine county and township official bonds and declare vacancies, first giving ten days' notice to file satisfactory bond.

The board to fill vacancies by appointment; bond.

Acceptance of corporate surety not compulsory. (See proviso below).

In estimating sufficiency of bond, what to be considered liabilities.

Proviso, not to apply to surety company having deposit of \$50,000 with state treasurer.

Office of county treasurer re-established, and to be filled by the board at first meeting under this act.

What vacancies may be filled by the board.

said board: *Provided*, no member shall receive more than one dollar per day and mileage for each day attended by him.

SEC. 4. That a vote of the majority of the board as constituted under this act shall control the action of the board in all matters before the board for consideration.

SEC. 5. That said board of commissioners when they meet to organize under this act or at such other times as they may deem proper, may examine all the official bonds of the county and township officers of said county, and if a majority of the board are not satisfied with the sufficiency of the surety or sureties of any bond of any such officer the chairman of the board shall cause notice to be served by the sheriff of the county or some constable in said township on such officer or officers to appear before the board of commissioners on a day to be named in said notice, which shall be at least ten days after the service of said notice, and give bond or bonds which shall be satisfactory to the majority of said board of commissioners, and upon failure of any such officer so to do the board shall have powers to at once declare the office vacant and proceed to fill the same by the appointment of some other person, and upon such appointee executing to the board a satisfactory bond or bonds as required by law and taking the oath of office he shall be inducted into office.

SEC. 6. That the board of commissioners shall not be compelled to receive any indemnity insurance or trust company or companies or other corporations as surety on any official bond required by law to be taken by them, and all official bonds of executors, administrators and guardians may be considered liabilities in passing upon the sufficiency of any official bond offered to them: *Provided*, that when any officer has been inducted into office on a bond or bonds executed by any guarantee company authorized to do business in this state he shall not be required to renew or give additional bond or bonds until he is required to renew his bond or bonds at the end of an official year, or at the beginning of a new term of office: *Provided further*, that this section shall not apply to any surety company which has a deposit with the treasurer of the state of North Carolina not less than fifty thousand dollars.

SEC. 7. That the office of county treasurer of Hertford county is hereby re-established, and the said board of commissioners shall at their first meeting under this act proceed to elect a treasurer for said county, and upon his giving the bond required by law and taking the oath of office he shall be inducted into said office and shall have all the rights and powers and be subject to all the duties and liabilities provided by law.

SEC. 8. That all vacancies in the office of register of deeds, board of county commissioners, sheriff, tax collectors, coroner,

supervisor, township constable, treasurer, supervisor of public schools and county board of education shall be filled by the board of commissioners of said county.

SEC. 9. That the above sections of this act shall remain in force and effect until the new board for said county can be elected and inducted into office under the general laws of the state.

SEC. 10. That all of the county and township officers shall be required to renew their bonds on the first Monday in December, eighteen hundred and ninety nine, and annually thereafter: *Provided*, that this act shall not deprive the board of commissioners of the right to examine and pass upon said bond or bonds provided [for] in section five of this act.

SEC. 11. That the secretary of state shall certify a true copy of this act under the great seal of the state within three days after its ratification to the chairman of the board of county commissioners of Hertford county at Winton, North Carolina, and said chairman shall at once cause notice to be served on the five commissioners appointed in this act of their appointment, which notice shall be served by the sheriff or by a constable.

SEC. 12. That section one of chapter one hundred and fourteen (114) of the public laws of eighteen hundred and ninety-five be and the same is amended as follows: In line one insert between the words "of" and "Northampton" the word "Hertford," and strike out the word "county" in said section and insert "counties" and in line five of said section strike out the words "for said counties" and insert the words "for their respective counties."

SEC. 13. That this act shall only apply to Hertford county.

SEC. 14. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 15. That this act shall take effect from and after its ratification.

Ratified the 19th day of January, A. D. 1899.

The preceding sections to remain in force until a board is inducted into office after election under the general laws. All county and township officers required to renew bonds first Monday in December, 1899.

Secretary of state to certify copy of this act to chairman of board within three days. Duty of the chairman to notify appointees at once.

Chapter 114, section 1, public laws of 1895, amended, so that board of commissioners of Hertford county may appoint tax collectors.

## CHAPTER 146.

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

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 second, third and fourth Mondays of August and the first Monday of September in the years one thousand eight hundred and ninety-nine and nineteen hundred and to be

W. M. Watson, clerk of superior court, allowed to be absent from his office on certain days.

exempt from the provisions, penalties and liabilities mentioned in sections one hundred and fourteen and one hundred and fifteen of The Code: *Provided*, that 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.

Ratified the 23d day of January, A. D. 1899.

#### CHAPTER 147.

**An act to increase the number of commissioners of Edgecombe county.**

*The General Assembly of North Carolina do enact :*

Commissioners of Edgecombe county empowered to appoint two additional commissioners—term of office.

SECTION 1. That the board of commissioners of Edgecombe county be and they hereby are authorized and empowered to appoint at their next regular meeting after the ratification of this act two additional members of said board, who shall have the same powers and duties as the present members of said board have and who shall hold their office until the next election of commissioners for said county.

Five commissioners to be elected

SEC. 2. That at the next election for commissioners held in said county and every two years thereafter there shall be elected in said county of Edgecombe five commissioners, with the powers and duties which are now or may hereafter be prescribed by law for county commissioners.

Laws repealed, so far as they relate to Edgecombe county.

SEC. 3. That all laws and clauses of laws in conflict with this act be and they hereby are repealed in so far as they apply to Edgecombe county.

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

Ratified the 24th day of January, A. D. 1899.

#### CHAPTER 148.

**An act to repeal chapter two hundred and ninety, of the public laws of eighteen hundred and ninety-seven, entitled "An act authorizing the commissioners of Buncombe county to elect a county auditor."**

*The General Assembly of North Carolina do enact :*

Chapter 290, public laws of 1897, relating to election of auditor for Buncombe county, repealed.

SECTION 1. That chapter two hundred and ninety, public laws of eighteen hundred and ninety-seven, is hereby repealed.

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

Ratified the 24th day of January, A. D. 1899.

## CHAPTER 149.

An act for the relief of the superior court clerk of Clay county.

*The General Assembly of North Carolina do enact :*

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

Clerk of Clay county relieved of attendance in person by deputy on certain days.

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

Ratified the 24th day of January, A. D. 1899.

## CHAPTER 150.

An act to repeal chapter ninety-nine of the laws of eighteen hundred and ninety-seven, entitled an act to establish a free ferry on Chowan river at Barfield.

*The General Assembly of North Carolina do enact :*

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

Repealed.

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

Ratified the 24th day of January, A. D. 1899.

## CHAPTER 151.

An act to amend chapter two hundred and fifty-three, public laws of eighteen hundred and ninety-seven.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter two hundred and fifty-three of the public laws, eighteen hundred and ninety-seven, be amended by adding the following section thereto: That any superintendent, superior or other officer or employee of the penitentiary violating or disregarding any of the provisions of this act shall be guilty of a misdemeanor.

Chapter 253, public laws of 1897, relates to working convicts on certain roads in Anson county. Misdemeanor for employee or officer of penitentiary to disregard provisions of said act.

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

Ratified the 24th day of January, A. D. 1899.

## CHAPTER 152.

An act to repeal chapter five hundred and fifty-eight, laws of eighteen hundred and ninety-seven, and for the protection of certain birds in Camden county.

*The General Assembly of North Carolina do enact:*

This act places residents and non-residents upon the same footing as to hunting in Camden county. Unlawful to kill or destroy mocking-birds in said county. Unlawful to hunt or kill partridges from March 1st to October 15th.

Penalty.

SECTION 1. That chapter five hundred and fifty-eight of the public laws of the session of one thousand eight hundred and ninety-seven (1897) be and the same is hereby repealed.

SEC. 2. That it shall be unlawful to kill or destroy in any way mocking-birds in the county of Camden.

SEC. 3. That it shall be unlawful to hunt or kill partridges in the county of Camden from the first day of March till the fifteenth (15th) of October in each and every year.

SEC. 4. That any person violating this act shall be guilty of a misdemeanor and subject to a fine of not exceeding fifty dollars or imprisonment not exceeding thirty days.

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

Ratified the 24th day of January, A. D. 1899.

## CHAPTER 153.

An act to increase the number of commissioners for Bertie county.

*The General Assembly of North Carolina do enact:*

Geo. L. Mardre and I. S. Norfleet elected county commissioners.

SECTION 1. That George L. Mardre and I. S. Norfleet are hereby elected commissioners of the county of Bertie and that they shall have the same powers and duties as the present members of the said board of county commissioners and who shall hold their office until the next election of commissioners for said county.

Five commissioners to be elected every two years hereafter in Bertie.

SEC. 2. That at the next election for commissioners held for said county and every two years thereafter there shall be elected in said county of Bertie five commissioners with the powers and duties which now are or may be hereafter prescribed by law for county commissioners.

How inducted into office.

SEC. 3. That the commissioners herein named shall qualify and be inducted into office by filing the necessary oath, before the clerk of the superior court of Bertie county.

SEC. 4. That all laws, parts and clauses of laws in conflict with this act be and the same are hereby repealed in so far only as they relate to Bertie county.

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

Ratified the 24th day of January, A. D. 1899.

## CHAPTER 154.

An act to encourage the killing of certain wild animals in Graham county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the commissioners of the county of Graham be authorized and empowered to pay to any person or persons the sum of five dollars (\$5) for each and every panther or wolf killed in said county, and the sum of two dollars for each wild cat killed: *Provided*, that the person or persons claiming to have killed any one of the aforesaid animals shall furnish satisfactory evidence to the county commissioners of said county.

Commissioners of Graham authorized to pay \$5 for killing panther or wolf and \$2 for killing wild cat.  
Proviso.

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

Ratified the 24th day of January, A. D. 1899.

## CHAPTER 155.

An act to repeal chapter two hundred and twenty, public laws of eighteen hundred and ninety-seven, relative to cotton and peanut weighers for Edgecombe county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter (220) two hundred and twenty, public laws of eighteen hundred and ninety-seven (1897), relative to cotton and peanut weighers for Edgecombe county, be and the same is hereby repealed.

Repeals chapter 220, public laws of 1897, which amended chapter 151, laws of 1891, and chapter 509, laws of 1891.

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

Ratified the 24th day of January, A. D. 1899.

## CHAPTER 156.

An act to amend chapter one hundred and fifty-four, public laws eighteen hundred and ninety-seven.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the words "written consent" in line three, section one, chapter one hundred and fifty-four, public laws eighteen hundred and ninety-seven, be stricken out and the word "permission" be inserted instead, and in section two, lines two and three of the same chapter the words "less than five nor" be stricken out.

Relating to hunting in Yadkin county—amended so as to require permission.  
Penalty.

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

Ratified the 24th day of January, A. D. 1899.

## CHAPTER 157.

## An act to protect game in the county of Randolph.

*The General Assembly of North Carolina do enact :*

Unlawful to hunt or offer for sale wild turkeys in Randolph county from February 1st to December 1st  
Unlawful to net or trap partridges in said county.

SECTION 1. That it shall be unlawful for any person to capture, kill or hunt with dogs or gun or offer for sale any wild turkey in the county of Randolph between the first day of February and the first day of December in each year.

SEC. 2. That it shall be unlawful to net or trap quail or partridges in Randolph county.

SEC. 3. That any person violating the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Penalty.

Ratified the 24th day of January, A. D. 1899.

## CHAPTER 158.

## An act to repeal chapter three hundred and sixty-seven (367), public laws of eighteen hundred and ninety-seven.

*The General Assembly of North Carolina do enact :*

Chapter 367, public laws of 1897, regulating the keeping of stock in Tyrrell county, repealed.

SECTION 1. That chapter three hundred and sixty-seven, public laws eighteen hundred and ninety-seven, be and the same is hereby repealed.

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

Ratified the 24th day of January, A. D. 1899.

## CHAPTER 159.

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

*The General Assembly of North Carolina do enact :*

Commissioners of Bertie county authorized to borrow \$5,000 to pay outstanding obligations.

SECTION 1. That for the purpose of paying outstanding county orders and of commutting and providing for the payment of two bonds of five hundred dollars each, now held by W. T. Heekstall, the commissioners of Bertie county are hereby authorized and empowered to borrow not exceeding five thousand dollars at a rate of interest not exceeding six per centum per annum, to be paid January and July of each year.

SEC. 2. That said bonds shall be signed by the chairman of the board of commissioners of Bertie county and countersigned by the clerk 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 thereon semi-annually from the date of said bonds.

Bonds to be signed by chairman and countersigned by clerk of the board.  
Coupons payable semi-annually.

SEC. 3. That said bonds shall be issued in denominations of one hundred dollars each, and that ten of said bonds shall become due and payable four years after the date thereof; and ten more of said bonds shall become due and payable each succeeding year after the maturity of the first ten bonds until all shall be paid, which time of payment shall be expressed on the face of said bonds, together with the place where same shall be payable.

Bonds to be of \$100 each.

The place of payment to be expressed on the face of the bonds.

SEC. 4. That the commissioners of the said county are hereby required at the time of levying other county taxes to levy annually an additional special tax sufficient in amount to pay the interest on 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 costs and charges incident to said tax 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 equation and rates of taxation between the tax upon property and the poll.

Commissioners required to levy special tax.

Tax upon all subjects of county taxation.

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, and to pay over and account for same according to law.

Special tax to be collected as other county taxes.

SEC. 6. That for the purpose of procuring the said loan the said commissioners are authorized to advertise for bids for the whole or any part thereof, and may accept or reject any or all of such bids or dispose of said bonds in any other manner which in their discretion they may deem best for the interest of said county: *Provided, however,* that no bond shall be sold for less than par and accrued interest.

Commissioners to advertise for bids for the bonds.

But may not dispose of bonds for less than par and accrued interest.

SEC. 8. That the clerk of said commissioners shall keep a book in which he shall keep an account of the number and denomination of said bonds issued as aforesaid and 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. The said book shall at all times be open to the inspection of any taxpayer of said county.

Clerk of the board shall keep complete record of bonds and coupons.

SEC. 9. That as soon as the said bonds are issued, signed and countersigned as herein provided, the said commissioners shall

Bonds when issued placed in hands of the acting county treasurer, who shall countersign and deliver to purchaser under order.

Treasurer to make out and return record of transactions  
Treasurer to be responsible for custody.

Misdemeanor to use funds for any other purpose than specified

place the same in the hands of the treasurer of said county, or in the hands of the sheriff if there is no treasurer, 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 special order entered of record in their proceedings, and the said treasurer or sheriff if there be no treasurer shall make out and return to the said commissioners an accurate account of the number and denomination of said bonds and to whom and when delivered and the said treasurer or sheriff, if there be no 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 treasurer of said county or as sheriff acting as treasurer.

SEC. 10. That it shall be unlawful and a misdemeanor to use the funds arising from the sale of said bonds for any purpose other than those expressed in this act.

SEC. 11. That this act shall be in force from and after its ratification.

Ratified the 24th day of January, A. D. 1899.

## CHAPTER 160.

### An act to promote temperance.

*The General Assembly of North Carolina do enact:*

Selling or giving intoxicants to minors a misdemeanor.

Penalty.

Proviso.

Applies only to Dare county.

SECTION 1. That it shall be a misdemeanor for any person or persons to sell, give or otherwise dispose of, either directly or indirectly, any spirituous or malt liquors, wine or other intoxicant to any other person under the age of twenty one years, and for every offense the party offending shall be fined not less than five nor more than fifty dollars: *Provided*, this act shall not prohibit parents or other persons from giving to any minor intoxicating liquors in good faith for medical purposes.

SEC. 2. That this act shall apply only to the county of Dare.

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 26th day of January, A. D. 1899.

## CHAPTER 161.

An act to amend section one thousand nine hundred and six of The Code.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section nineteen hundred and six of The Code be and the same hereby is amended by adding at the end thereof the following: *Provided further*, that no clerk of a court shall appoint himself or his deputy to make sale of real estate or other property in any proceeding before him.

Section 1906, Code. Who is authorized to sell in partition proceedings. Proviso.

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

Conflicting laws repealed.

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

Ratified the 26th day of January, A. D. 1899.

## CHAPTER 162.

An act to improve the roads in Anson 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 voters and electors of Wadesboro township in said county on the first Tuesday in May, eighteen hundred and ninety nine, the question, Shall Wadesboro township in the county of Anson, state of North Carolina issue twenty-five thousand dollars of its bonds with interest coupons attached to repair, make and improve the public roads in said township? Said board of commissioners shall for at least thirty days preceding said election give public notice of said election and the purpose thereof by publication in one or more newspapers published in said township.

Commissioners empowered to hold an election to ascertain whether bonds shall be issued to improve roads in Wadesboro township.

Question to be submitted.

Notice of election.

SEC. 2. That said election shall be held and be conducted in the same manner as may be prescribed by law for holding elections for members of the general assembly: *Provided, however*, that said board of commissioners shall appoint the registrar or registrars of election and the judges and inspectors of election and any other election officers necessary to said election, and registration of votes and challenge of voters shall be conducted in like manner as is provided for in elections of members of the general assembly, and said commissioners may or may not order new registration for said election. The vote shall be counted at the close of the polls and returned to the said board of commissioners on Thursday next following the election, and said commissioners

Election, how held.

Proviso.

Registration and challenge of voters

Votes, how counted and returned.

shall tabulate and declare the result of the election, all of which shall be recorded in the minutes of the board of commissioners, and no other recording and declaration of the result of said election shall be necessary.

Ballots, what to be upon.

SEC. 3. That at said election the ballots tendered and cast by the qualified electors shall have written or printed upon them "For good roads" or "Against good roads." All qualified electors who favor the issue of said bonds shall vote "For good roads." All qualified voters who are opposed to the issue of said bonds shall vote "Against good roads."

Bonds, who shall issue, and denominations.

SEC. 4. In the event that the requisite majority of the qualified electors of said township shall vote "For good roads" at said election and the result shall be declared and recorded as aforesaid, the board of commissioners shall have prepared and issued bonds in denominations not exceeding one thousand dollars, and not less than one hundred dollars, the total amount not to exceed that provided for in the first section of this act, and said bonds shall bear the rate of six per centum per annum, with interest coupons attached payable semi annually on the first days of January and July during the time of their running, and the principal thereof shall be payable or redeemable at such time or times not exceeding twenty-five years from the date of their issue, as the said board of commissioners of Anson county may determine. Said bonds and coupons shall be payable at the banking house of the First National Bank of Wadesboro in the town of Wadesboro, county aforesaid. Said bonds and coupons shall be signed by the chairman of said board of commissioners and countersigned by the clerk of said board of commissioners, and said bonds shall have upon them the seal of the said county. Said bonds shall be styled "Wadesboro township road bonds" and issued as such and liability for the payment thereof with their interest represented by coupons as aforesaid, and any other interest on the bonds or coupons shall be attached to and imposed upon the political division of said county known as Wadesboro township as constituted at the time of the aforesaid election hereinbefore provided for. If any holder of said bonds or coupons shall bring any suit on account of the same, said suit, action or proceeding shall be against the board of commissioners of Anson county; and if any holder of such shall recover judgment against said board of commissioners said political division known as Wadesboro township or that part of said county now embraced in said township shall be liable for any recovery or judgment so obtained, and levies of taxes for the payment of said bonds and coupons and interest accruing upon either, and costs and judgments concerning or about the same shall be made by proper tax levies upon property and subjects of taxation within the territo-

Bonds, total amount of.

Bonds, interest rate of. Coupons, whom payable.

Principal, payable when.

Signed by whom.

Seal

Bonds, how styled. Liability for bonds and coupons

Suit upon bonds or coupons against whom brought.

Taxes levied to pay bonds and coupons shall be upon what property

rial limits of said township as constituted at the time of aforesaid election. And said board of commissioners may bring and maintain any such action, suit or proceeding touching said bonds or in respect thereto as they might do if said bonds were issued by them for the whole county of Anson.

Power of commissioners to bring suit.

SEC. 5. That none of the bonds authorized by this act shall be disposed of 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 those declared by this act. When said bonds are issued they shall be numbered consecutively and the coupons attached and issued with them shall bear the number of the bond to which they are attached; the bonds and coupons shall state on their face when they are due and when payable, and said bonds shall show by what authority they are issued and what territorial and political division of said county they are issued on account of. The said board of commissioners shall have all of their proceedings in respect to said bonds entered in the minutes of their meetings and when any of the same are issued the number of the bond, its denomination, date of issue, to whom issued and the number of coupons attached must be recorded in said minutes.

Bonds shall be sold at face value. Bonds used only for purpose set out in this act.

Bonds, how numbered.

When due and when payable on face of bond. Bonds shall show authority for issue, and what division of county they are upon. Proceedings in respect to bonds to be entered when.

SEC. 6. When any of said bonds are sold the proceeds of sale shall be turned over to the county treasurer of Anson county, who shall keep said funds and all other funds provided for in this act which may come into his hands separate from all other funds, and he shall keep separate account of the same, and said county treasurer before any fund provided for in this act shall be paid over to him shall execute an official bond payable in the usual manner in a sum at least fifty per cent greater than the sum which may come into his hands by reason of this act conditioned for his faithful safe keeping of the same and rendering true account in respect thereto, and in all things holding and disbursing and accounting for the same as required by law, which bond shall be received by the said county commissioners as they pass upon, accept and receive other like bonds. And all orders directed to said county treasurer for payments of money under this act shall state in their face that they are road orders and to what account they are chargeable.

Entry, what to contain. Proceeds of bonds, turned over to whom. Treasurer to keep funds separate from other funds. Bond to be given by treasurer—amount of.

Bond, by whom received.

Orders for payment, what to state.

SEC. 7. That in case the result of said election shall be in favor of issuing bonds as aforesaid the said board of commissioners of Anson county shall levy annually on the first Monday in June of each year a special road tax for said Wadesboro township in said county of twenty-five cents on the one hundred dollars worth of property and seventy-five cents on each poll, the subjects of taxation and levy of taxes to be the same on which the said board of county commissioners now or may hereafter be authorized to

Special road tax.

Special taxes, how collected.	lay and levy taxes upon for general county purposes and the levy herein provided for to be limited to said township. The taxes so levied shall be collected as other taxes and paid to the county treasurer aforesaid as other taxes are paid and the same shall be a separate fund and applied first to the payment of the interest on said bonds and then to the creation of a sinking fund for the redemption of said bonds. And the board of county commissioners may invest said sinking fund and with the same purchase any of said bonds, and when they purchase the same they shall be cancelled and record made of the same.
Sinking fund, how invested. Bonds purchased, to be cancelled.	
Funds, arising from sale of bonds.	SEC. 8. That said board of county commissioners shall use the funds derived from the sale of said bonds for the purpose of constructing and improving the county roads in said township, and for such purpose they may establish and maintain a chain-gang and work persons convicted of crime and sentenced by a court or courts to terms of penal servitude on said public roads; may purchase tools, machinery, appliances, material, stock and all other things whatsoever deemed by them necessary for the purpose of working convicts or hired free labor on the public roads in said township.
Chain-gang. Machinery, etc., may be purchased.	
Road-bed, how wide.	SEC. 9. That the road-beds in said township constructed, prepared or worked under this act shall not be less than twenty nor more than thirty feet wide, at least twelve feet of which shall be macadamized as soon as expedient and the whole of which shall be made as straight as practicable and graded.
Notices to justices to meet with commissioners.	SEC. 10. That immediately on declaration of the result of said election the same being favorable to the issue of bonds and the road work herein provided for, the chairman of the board of commissioners of Anson county shall issue notice to each justice of the peace in and for Wadesboro township to meet with the said board of commissioners in joint session on the first Monday in June, eighteen hundred and ninety-nine, and there shall be a joint session of said board of commissioners and said justices on said day of which meeting the chairman of the said board of commissioners shall be chairman and the clerk of said board of commissioners shall be secretary and said joint session shall elect by ballot a road commissioner for Wadesboro township who shall be a resident of said township. The person who shall in said joint meeting receive a majority of the votes of those present and voting shall be declared to be elected: each member of said joint session present shall be entitled to one vote. Said result shall be declared and the result shall be recorded in the proceedings of said board of commissioners. Said person so elected shall take and subscribe an oath for the faithful performance of his duties as road commissioner, and shall execute an official bond with sufficient surety in the sum of fifteen hundred dollars for the
Joint meeting.	
Road commissioner.	
Oath.	
Bond and surety.	

faithful execution of his duties and accounting for all money and property which may come into his hands as such officer. Said bond shall be approved by said county commissioners and recorded as are other official bonds. Said road commissioner shall hold his office for two years, from the first Monday in July, eighteen hundred and ninety-nine, and until his successor is elected and qualifies, except that said board of county commissioners and justices of the peace for said township in joint session, being called together by the chairman of said board of commissioners, may for good cause remove said road commissioner from his said office and elect a successor for his unexpired term. There shall be held biennially on the first Monday in June a joint session of said county commissioners and justices of the peace to elect a road commissioner for said township, who shall take oath and give bond as aforesaid. A majority of the whole number of said county commissioners and justices of the peace shall constitute a quorum to transact the business provided for said joint session in this section of this act. Said road commissioner shall enter upon his duties and work when directed by said board of county commissioners to begin his work, and he shall not receive any pay except for the time in which he is actually engaged in the performance of his duties as such officer. Said road commissioner shall direct the laying out of the roadways, say when and where to work: *Provided*, the full board of county commissioners shall designate which roads leading into Wadesboro shall first be worked and the distance from the corporate limits of the town of Wadesboro at which said work shall be continued before beginning work on other roads leading into said town; that is, the most important roads in the judgment of the county commissioners shall first be worked and for such distances from the corporate limits of said town outwards as they may deem best. Said road commissioner shall require the superintendent to do his duty and in every way have control over and direct the working of the convicts in Anson county, and such other laborers as may be deemed by the board of commissioners proper to employ or be employed on said roads, to be paid for out of funds herein provided for. It shall be his duty to employ a superintendent of the chain-gang or convict force and such other force as it may be deemed by the board of commissioners expedient to employ and the 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 said road commissioner shall be subject to the control and approval of the full board of county commissioners, and in the event of the failure of the road commissioner to discharge his functions and duties, the superintendent shall proceed

Bond, by whom approved.

Term of office.

Removal for cause.

Joint sessions, when held.

Quorum.

Paid only for time employed.

Road-ways, laid out by whose directions.

What roads to be worked first.

Commissioner to have control of convicts.

Superintendent of chain-gang.

Commissioner to prescribe duties of employes.

To be supervised by county commissioners.

Money, how paid out.	under his own discretion until the said board of commissioners shall otherwise direct. No money raised and collected as herein-
Compensation, by whom fixed.	before provided shall be paid out except on the order of the board of county commissioners, who shall fix the compensation of all officers and employees herein provided for in said township; and said commissioners shall require the county treasurer to account with them twice annually for the said road funds and may require as often as they deem expedient reports from officers and employees concerning their progress in their duties and to what extent and in what manner they have performed the same.
Treasurer, how often to account.	SEC. 11. That for the purpose of laying out, opening up, constructing or working any public roads herein provided for, the road commissioner or any one acting under his authority shall have the right to enter upon the land 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 contiguous to said road, doing as little injury as possible to the premises for opening, constructing and working such roads, and he shall have authority, subject to the approval of the board of commissioners to agree with the owner thereof for damages thereto, and the sums so agreed upon and approved by the board of commissioners shall be directed to be paid as in case of other payments. In case there should be failure to agree as to such damages and to have the same approved, then the road commissioner and the claimant shall each select an arbitrator in writing, which arbitrators shall select a third arbitrator and said arbitrators or a majority of them shall assess such damages which shall be paid as hereinbefore provided. Said arbitrators shall make their award in writing and from this award either party may appeal to the superior court for Anson county; the party appealing within ten days' notice of the award shall give notice to the opposing party of his appeal, and the last chosen arbitrator above provided for shall certify the papers in the matter to said court, when the case shall be docketed and the questions and issues involved shall be submitted to a jury as other issues of fact are submitted.
Road commissioner may enter upon land.	
Damages how agreed upon.	
Arbitration.	
Award in writing.	
Papers on appeal, how certified.	
Trial on appeal by jury.	
General road law not repealed.	
Overseer—guilty of misdemeanor, when. Proviso.	SEC. 12. That the preceding section of this act shall not repeal the law now in force applicable to the general working of public roads in said township, except that the overseer working and keeping in repair the roads constructed or improved under the provisions of this act shall at all times be under the direction of said road commissioner; and any overseer refusing to act in respect to said roads as said road commissioner may direct shall be guilty of a misdemeanor: <i>Provided, however,</i> that all persons who are required to work under the road law now in force shall not be required to work in direct contact with persons who have been convicted of crime and sentenced to the roads.

SEC. 13. That the said board of commissioners shall have authority to employ a physician to attend the convicts on the public roads provide for their care, safe keeping and discipline and shall have power and authority to do and perform all things necessary to carry into effect the objects and provisions of this act.

Physician to attend convicts.

SEC. 14. That all justices of the peace and mayors of towns in said county who may convict persons of crime within said county in cases and for offenses of which said justices and mayors have jurisdiction may when they impose punishment by sentence of imprisonment on any such offender against the law, sentence said convicted person to work on said public roads in Wadesboro township for such term of imprisonment as they may adjudge. And such convicted persons shall work on said roads as hereinbefore provided until he be discharged according to law. And any judge holding court in the county of Anson may sentence all persons convicted of any violation of law and whose punishment is not by fine alone for which such persons may be sentenced to road work under the laws of the state, to work on the public roads in said Wadesboro township; and any superior court judge or judges of a criminal court holding court in any other county in the state in which county there is not provisions of law for working convicts on the public roads may sentence convicted persons who are subject thereto to work on said public roads in Wadesboro township in Anson county: *Provided, however,* that the board of commissioners of Anson county shall first make application to said courts and judges of said courts to sentence such convicted persons to work on said roads.

Mayors and justices to send convicts to roads.

Judge may send convicts to roads.

Judges may sentence convicts in other counties to work roads in Anson county.

Proviso.

SEC. 1 (a). It is hereby further enacted that in case a majority of the qualified voters of any township in Anson county other than Wadesboro township, such qualified voters and electors being determined by the registration books for said township as used and made up at the last election held preceding the action herein provided for, shall by petition to the board of commissioners for Anson county request said board of commissioners to levy a road tax for any such township, then upon that event said board of commissioners shall annually levy a special road tax for any such township at the same time of the levy made by them for general-county purposes, which tax shall not exceed fifteen cents on the hundred dollars worth of property subject to general taxation in said township and forty-five cents on such polls as are subject to taxation in such township. In any of such levies of taxes the constitutional equation between poll and property shall be observed. Said taxes shall be collected as other taxes are collected and accounted for in the same manner and shall be kept separate and apart from all other taxes and shall be paid to the

Other townships in Anson county may petition for tax to work roads—conditions.

Taxes—extent of.

Taxes to be kept separate.

Treasurer—bond.	county treasurer of Anson county, who shall keep separate account of the same, and he shall give such bond in such sum as may be required by said county commissioners for his faithful
Fund to be used in making roads in township when levied.	keeping and disbursing the same, and such fund shall be used for the purpose of making and repairing public roads in the township for which such levy may be made.
Justices, road supervisors—body corporate.	SEC. 2 (a). That the board of road supervisors in any such township other than Wadesboro township said road supervisors are and shall be the justices of the peace of said township, shall be a body corporate and shall be styled "the supervisors of public roads of _____ township," and shall have power to sue and be sued and shall have authority and control over the public roads in any such township and of the fund collected from such tax levy for said township as herein provided for. Said supervisors of any such township shall meet on the second Monday in August next after any such levy of taxes for any such township and shall from their number elect a chairman and secretary who together with one other person, to be selected by them of their number, shall be the road committee of such township and said committee shall have power and authority to do and perform the acts herein provided to be done by the supervisors of public roads for any such township, subject to the approval of a majority of said supervisors where such approval is declared by this act to be necessary. Said supervisors may purchase tools and stock or hire the same and do and cause to be done such acts as may be necessary to effectively work and improve the public road in any such township and may buy such material and appliances as may be necessary, employ and discharge labor, appoint and employ an overseer or overseers to superintend laborers and their work on said public road; may draw orders on the funds subject to use in any such township for work in improving such public roads, which orders shall be signed by said chairman and secretary, which orders shall be paid by the county treasurer out of such funds as may be in his hands applicable to the same, and said supervisors and road committee shall not incur in any year any obligations of debt beyond the sum which the current tax levy will be adequate to pay.
Sue and be sued.	
Supervisors—meetings of.	
Chairman—secretary. Road committee.	
Supervisors, powers of.	
Orders, how signed.	
Prohibition.	
Per diem for overseers.	
Supervisors to keep record.	
Inspection of records.	
Settlements. Road committee, per diem.	
	SEC. 3 (a). Said supervisors shall not pay any overseer more than one dollar and a quarter per day for the time he is actually engaged in road work. Said supervisors shall keep record of all their proceedings and strict account of all moneys expended by them and for what purpose expended, and such records shall be at all times subject to inspection by any citizen of any such township, and such road committee shall have annual settlements with said county treasurer in respect to said road fund for their respective townships. Said road committee shall be paid

one dollar per day for the time they are actually engaged in road work, not to exceed twelve days in any one year.

SEC. 4 (a). That the full board of road supervisors for any such township shall meet on the second Monday in August, October, January and June in each year; and said road committee shall report fully all of their proceedings, work and disbursements to the full board of supervisors, and said road committee shall meet as they may determine and the chairman may call a meeting at any time.

Board of super-  
visors—meetings.

Called meetings.

SEC. 5 (a). That the overseers provided for by this act shall have the care and charge of all tools and appliances under the direction of said road committee, shall make inventory of the same and furnish it to said road committee, who shall look after the safety of all such tools, machinery and appliances in the hands of such overseer, and any such overseer shall be liable for the loss of the same resulting from his carelessness or neglect.

Overseers—care of  
property.  
Inventory.

Overseers—liable.

SEC. 6 (a). Said supervisors in full meeting may divide the roads in their township into convenient districts and sections, assign hands and appoint overseers in the same manner as now provided by law and all persons in such townships of "road age" shall work on the public roads six days in the year at such times as they may be warned by the overseer of the section to which they are assigned to work under the penalties now provided by law.

Districts and  
sections—assign-  
ment of hands.

Proviso.

SEC. 7 (a). That all overseers in any such township shall conform in his work to the direction of aforesaid road committee, and any overseer or road hand refusing to obey the directions of said road committee shall be guilty of a misdemeanor and fined not less than one dollar nor more than ten dollars or be imprisoned not more than twenty days.

Overseers con-  
form to directions  
of road commit-  
tee—failure—mis-  
demeanor.

SEC. 8 (a). Said road committee or overseer shall have the right for the purpose of repairing or constructing any road to take stone, gravel, earth and timbers from contiguous lands, and if the owner claim damages the same shall be agreed upon by said claimant and said road committee, and such damages as are agreed upon shall be paid out of the road fund for said township. Overseers of such roads and road hands shall not be paid for any services done on any such roads for the six days' road work now provided for under the general road law of the state.

Right to take  
materials.  
Damages—agree-  
ment.

Prohibition.

SEC. 9. That any person who shall be owing any such road tax as that herein provided for from sections one (a) and following may on application to said road committee be allowed to work out said road tax on terms prescribed by the road committee and receive an order from said committee to that effect directed to the sheriff, who shall receive the same and give credit therefor

Road tax may be  
worked out.

on said road tax, and the county treasurer in settlement with the sheriff shall receive and allow for the same.

Sheriff's accounts to be audited.

SEC. 10 (a). The board of commissioners of Anson county shall audit and ascertain the accounts of the sheriff for all taxes levied and collected under this act and make settlement for the same between said sheriff and the county treasurer, and said board of commissioners may institute and prosecute any necessary action for the recovery of any such road taxes against any officer failing to account for the same.

Suit may be brought against officers.

Act, application, condition of.

SEC. 11 (a). That this act from section one (a) and following which apply to townships in Anson county other than the Wadesboro township shall not apply to the roads of such townships except in cases where taxes are levied in such in the manner herein provided.

Fraudulent orders—misdemeanor.

SEC. 12 (a). That any supervisor or overseer making or causing to be made any fraudulent order whereby money is to be paid out of said road fund herein provided for shall be guilty of a misdemeanor. And any overseer or supervisor failing and refusing to perform the duties imposed by this act shall be guilty [of] a misdemeanor and fined not exceeding twenty dollars. Any road hand failing to obey overseer or road committee or failing to work when summoned shall be guilty of a misdemeanor and fined not less than one dollar nor more than ten dollars or may be imprisoned not more than twenty days.

Failure to perform duties—misdemeanor.

Failure of hands to work—misdemeanor.

Expenses, how paid.

SEC. 13 (a). That all expenses incurred by the county commissioners on account of meetings held by reason of duties imposed by this act shall be paid on their order out of the fund of the township on account of which any such meeting may be held and expenses incurred in meeting or otherwise.

SEC. 14 (a). This act shall be in force from and after its ratification.

Ratified the 26th day of January, A. D. 1899.

## CHAPTER 163.

An act to repeal chapter two hundred and sixty-one, public laws of eighteen hundred and ninety-seven.

*The General Assembly of North Carolina do enact :*

Chapter 261, public laws of 1897, establishing graded schools known as Chapel Hill school district No. 24, is repealed.

SECTION 1. That chapter two hundred and sixty-one of the public laws of North Carolina, eighteen hundred and ninety-seven, be and the same is hereby repealed.

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

Ratified the 24th day of January, A. D. 1899.

## CHAPTER 164.

## An act to establish the North Carolina Corporation Commission.

*The General Assembly of North Carolina do enact :*

SECTION 1. That there shall be elected by this general assembly three commissioners, who shall have general supervision of railroads, steamboat navigation and canal companies, express and telegraph and telephone companies, building and loan associations, banks and sleeping car companies. That the said commissioners elected by this general assembly and their successors in office shall be and they are hereby created and constituted a court of record, and shall be known as the North Carolina Corporation Commission, and as such shall have all the powers and jurisdiction of a court of general jurisdiction as to all subjects embraced in this act and shall have a common seal. The term of office of said commissioners shall begin immediately after their election by this general assembly and their qualification and shall continue until the first day of January, nineteen hundred and one and until their successors are elected and qualified. At the general election for state officers in nineteen hundred there shall be elected three commissioners by the qualified electors of this state at the time and places of voting for members of the legislature, one of whom shall be elected for the term of two years and one for the term of four years and one for the term of six years. After the first election such commissioners shall be elected by the qualified electors of this state at the time and places of voting for members of the legislature for a term of six years and shall be members of and constitute the North Carolina Corporation Commission. In case of vacancy the board of internal improvements shall appoint to such vacancy and their appointee shall hold until the qualification of his successor, who shall be elected by the qualified electors of this state at the next regular election after the vacancy has taken place and the person then chosen shall hold the office for the unexpired term. The said commissioners in addition to the oath to support the constitution and laws of the United States and the constitution and laws of the state of North Carolina shall take, to be administered by one of the judges of the supreme court, the following oath of office, which oath shall be signed by said commissioner and attested by said judge and recorded in the office of the clerk: "I do solemnly swear (or affirm) that I am not the owner of steamboat or of any stock or bond of any railroad, navigation or canal company, express, telegraph or telephone company or of any building and loan association, or the agent or attorney or em-

Election of three commissioners.

Duties and purpose of commission.

How elected.

Corporate name.

Term of office.

Shall be elected at general elections

Vacancies occurring how supplied.

Commissioners shall take oath.

Form of oath.

Shall not be interested in companies under their supervision.

Control and supervision of certain corporations.

Shall investigate books and papers.

Empowered to examine officers, agents, etc.

Powers of commission. To make rates.

Proviso.

Shall consider certain facts.

ployee of any such company or association; that I have no interest in any way in any such company or association, and that I will well and faithfully execute the duties of my office as a member of the North Carolina Corporation Commission to the best of my knowledge and ability, without fear, favor or malice or reward or the hope of reward.) So help me, God." Said commissioners shall not jointly or severally or in any way be the holder of any stock or bond or be the agent or attorney or employee of any such company or have any interest in any way in such company and shall so continue during the term of his office, and in case any commissioner shall as distributee or legatee or in any other way have or become entitled to any stock or bonds or interest therein of any such company he shall at once dispose of the same. They shall have such general control and supervision of all railroad, steamboat, canal, express and sleeping car companies or corporations and of all other companies or corporations engaged in the carrying of freight or passengers; of all telegraph and telephone companies of all public and private banks and all loan and trust companies or corporations, and of all building and loan associations or companies necessary to carry into effect the provisions of the act. They shall investigate the books and papers of all such companies, individuals, firms or corporations and they shall visit in person from time to time the place of business of such companies, individuals, firms or corporations to ascertain if all orders, rules and regulations of the North Carolina Corporation Commission have been complied with, and shall have full power and authority to examine all officers, agents and employees of such companies, individuals, firms or corporations, and all other persons under oath or otherwise, and to compel the production of papers and the attendance of witnesses to obtain the information necessary for carrying into effect and otherwise enforcing the provisions of this act.

SEC. 2. That said commission is hereby empowered and directed:

(1) To make reasonable and just rates of freight, passenger and express tariffs for railroads, steamboats, canal and express companies or corporations, and all other transportation companies or corporations engaged in the carriage of freight, express or passengers: *Provided*, that in fixing any maximum rate or charge or tariff of rates or charges for any common carrier, person or corporation subject to the provisions of this act the said commission shall take into consideration if proved or may require proof of the fair value of the property of such carrier, person or corporation used for the public in the consideration of such rate or charge or the fair value of the service rendered as in determining the fair value of the property so being used for the convenience of the public. It shall furthermore consider the original

cost of the construction thereof and the amount expended in permanent improvements thereon and the present compared with the original cost of construction, of all its property within the state of North Carolina; the probable earning capacity of such property under the particular rates proposed and the sum required to meet the operating expenses of such carrier, person or corporation and all other facts that will enable them to determine what are reasonable and just rates, charges and tariffs.

(2) To make reasonable and just rules as to charges by any company or corporation engaged in the carriage of freight or express for the necessary handling and delivery of the same at all stations.

Reasonable and just rates for corporations handling express or freight.

(3) To make reasonable and just rules and regulations to prevent discrimination in the transportation of freight or passengers.

Shall prevent discrimination.

(4) To make reasonable and just rates of charges for the use of railroad cars carrying freight or passengers.

Just rates for freight and passengers.

(5) To make reasonable and just rules and regulations to prevent the giving, paying or receiving of any rebate or bonus directly or indirectly or the misleading or deceiving the public in any manner as to real rates charged for freight, express or passengers.

Prevent rebates, etc.

(6) To make just and reasonable through rates for the transportation of freight, express or passengers.

Through rates for transportation.

(7) To make just and reasonable rules and regulations for the handling of freight and baggage at stations.

Handling of freight and baggage.

(8) To make just and reasonable rates of charges for the transportation of packages by any express company or corporation.

Transportation by express company.

(9) To make just and reasonable rules and regulations as to contracts entered into by any railroad company or corporation to carry over its line or any part thereof the car or cars of any other company or corporation.

Company's contracting to carry cars of other companies.

(10) To make just and reasonable rates of charges for the transmission of messages by any telegraph or telephone company or corporation doing business in this state.

Transmission of telegrams.

(11) To make just and reasonable rates of charges for the rental of telephones: *Provided*, this sub section shall not apply to telephone lines hereafter constructed, nor to telephone instruments connected with exchanges giving interstate connection until three years after the ratification of this act.

Telephone rentals.

(12) To require, where the public necessity demands and it is demonstrated that the revenue received will be sufficient to justify it, the establishment of stations by any company or corporation engaged in the transportation of freight and passengers in this state, and to require the erection of depot accommodations commensurate with such business and revenue: *Provided*, the com-

May require establishment of stations.

Proviso.

missioners shall not require any company or corporation to establish any station nearer to another station than five miles.

May require repairs at stations, etc.

(13) To require a change of any station or the repairs, addition to or change of any station house by any railroad or other transportation company in order to promote the security, convenience and accommodation of the public and to require the raising or lowering of the track at any crossing when deemed necessary.

Separate waiting rooms.

(14) To require the establishment of separate waiting rooms at all stations for the white and colored races.

Construction of side-tracks.

(15) To require the construction of side-tracks by any railroad company to industries already established or to be established: *Provided*, it is shown that the proportion of such revenue accruing to such side track is sufficient within five years to pay the expenses of its construction. This shall not be construed to give the commissioners authority to require railroad companies to construct side tracks more than five hundred feet.

Proviso.

Powers over banking institutions.

(16) To perform all the duties and exercise all the powers as to banks and banking imposed or conferred upon the state treasurer by chapter one hundred and fifty-five of the public laws of eighteen hundred and ninety-one, as amended by chapter four hundred and seventy-eight, public laws of eighteen hundred and ninety-three, and all reports required to be made by said laws to the state treasurer are hereby directed to be made to the said North Carolina Corporation Commission.

Appointment of persons to make certain examinations and reports.

(17) To appoint suitable persons to make the examinations and reports required by chapter one hundred and fifty-five, public laws of eighteen hundred and ninety-one, as amended by chapter four hundred and seventy-eight, public laws of eighteen hundred and ninety-three, who shall receive the same compensation for similar services provided for in said law, and the power of the state treasurer to appoint such persons is hereby revoked.

Information to state treasurer.

(18) To furnish to the state treasurer upon his application information as to the condition and solvency of any bank or banking institution of this state.

Collection of fees, etc.

(19) To collect all fees, salaries, charges, commissions and other compensations heretofore collected by or paid to the state treasurer for the performance of the duties and the exercise of the powers imposed or conferred under sub-sections sixteen, seventeen and eighteen of this act and to turn the same into the state treasury for the benefit of the state.

Jurisdiction as to building and loan associations.

(20) To perform all the duties and exercise all the powers as to building and loan associations imposed or conferred upon the auditor of the state by chapter seven, volume two, of The Code and by chapter four hundred and thirty-four, public laws of eighteen hundred and ninety-three and by chapter four hundred and forty-four, public laws of eighteen hundred and ninety-five,

and to make all examinations, issue all certificates and perform all other duties imposed by law upon the auditor of the state relating to building and loan associations.

(21) To appoint suitable persons to make the examinations required by the laws referred to in the preceding section, who shall receive the same compensation provided for in said laws, and the power of the auditor of the state to make such appointment is hereby revoked.

Examination, etc., of building and loan associations.

(22) To collect all fees, salaries, charges, commissions and other compensations heretofore collected by the auditor of the state for the performance of the duties imposed or conferred under subsections twenty and twenty-one of this act, and to turn the same into the state treasury for the benefit of the state, and the power of the auditor of the state to collect the same is hereby revoked.

Collection of fees, etc.

(23) To perform all the duties and exercise all the powers imposed or conferred by chapter three hundred and twenty (320) of the public laws of eighteen hundred and ninety-one and the acts amendatory thereto.

Perform certain duties.

(24) To prescribe rules of practice and proceeding in all matters before them and in all examinations necessary to be made under this act.

To prescribe rules.

SEC. 3. That it shall be the duty of the state treasurer to turn over to the North Carolina Corporation Commission all books, papers, statements and other records in his office relating to the duties imposed by this act in regard to banks and banking institutions.

Treasurer shall turn over books and papers to commission.

SEC. 4. That it shall be the duty of the auditor of the state to turn over to the North Carolina Corporation Commission all books, papers, statements and other records in his office relating to the duties imposed by this act in regard to building and loan associations.

Auditor authorized to turn over certain books, etc., to commission.

SEC. 5. That it shall be the duty of the late board of railroad commissioners to turn over to the North Carolina Corporation Commission all books, papers, statements and other records in their office relating to the duties imposed by this act in regard to railroads, telegraphs, telephones, steamboats and other transportation companies.

Retiring board of railroad commissioners authorized to turn over books and papers.

SEC. 6. That all contracts and agreements between railroad companies doing business in this state as to rates of freight and passenger tariffs shall be submitted to said commission for inspection and correction, that it may be seen whether or not they are a violation of law or of the provisions of this act or of the rules and regulations of said commission, and all arrangements and agreements whatever as to the division of earnings of any kind by competing railroad companies doing business in this state shall be submitted to said commission for inspection and

Contracts between railroad as to tariffs, examination of.

approval in so far as they affect rules and regulations made by said commission to secure to all persons doing business with said companies just and reasonable rates of freight and passenger tariffs, and said commission may make such rules and regulations as to such contracts and agreements as may then be deemed necessary and proper, and any such agreements not approved by such commission or by virtue of which rates shall be charged exceeding the rates fixed for freight and passengers shall be deemed, held and taken to be violations of this act and shall be illegal and void.

Rules and regulations as to contracts.

Schedule of rates shall be taken as prima facie evidence.

SEC. 7. The schedule containing rates fixed by said commission shall in suits brought against any such company wherein is involved the charges of any such company for the transportation of any passenger or freight or cars or unjust discrimination in relation thereto be taken in all courts of this state as prima facie evidence that the rates therein fixed are just and reasonable rates of charges for the transportation of passengers and freights and cars upon the railroads; and said commission shall from time to time and as often as circumstances may require change and revise or cause to be changed and revised said schedules. When any schedule shall have been made or revised as aforesaid it shall be the duty of all such companies to post at all their respective stations in a conspicuous place a copy of said schedule for the information of the people. All such schedules as aforesaid shall be received and held in all such suits as prima facie evidence the schedules of said commission, without further proof than the production of the schedules desired to be used as evidence, with a certificate of the clerk of the commission that the same is a true copy of the schedule prepared or approved by them for the railroad company or corporation therein named: *Provided*, that any company may appeal to the judge of the superior court in term time and thence to the supreme court from any determination of the commission fixing or refusing to change the rate of freight or fare; but that before such company shall be allowed to exercise this right of appeal it shall within ten days after notice of the rates fixed by the commission file with the commission exceptions to the particulars that it objects to and the grounds thereof, and within ten days after filing such exception the commission shall hear the same, and if they shall overrule any one of said exceptions then such corporation, if it desires to appeal to said superior court, shall within ten days thereafter give notice of appeal to said superior court, and the said commission shall thereupon transmit to the superior court of some county most convenient to all parties interested in said appeal a record of their determinations of the rates of said corporation with the exception of the company and their decisions thereon, and all the

Proviso.

Companies may appeal from decision of commission.

papers and evidence considered by them in making their decision. The said cause shall be placed on the civil issue docket of said court and shall have precedence of other civil actions, and shall be tried under the same rules and regulations as are prescribed for the trial of other civil causes, except that the rates fixed by the commission shall be prima facie just and fair: *Provided*, the appeal may by consent of the commission and the company be heard and determined in chambers before any judge of a district through or into which the railroad may extend or any judge holding court therein. The cause shall be entitled "State of North Carolina on the relation of the North Carolina Corporation Commission against such company." Either party may appeal to the supreme court from the judgment of the superior court under the same rules and regulations as prescribed by law for appeal, except that the state of North Carolina if it shall appeal shall not be required to give an undertaking or make any deposits to secure the cost of such appeal, and such court may advance the cause on their docket so as to give the same a speedy hearing; *Provided*, that the rates of freight and fare fixed by the commission shall be and remain the established rates and shall be so observed and regarded by such corporations until the same shall be changed, reversed or modified by the judgment of the superior court, unless the railroad company shall within fifteen days file with said commission a justified undertaking (in a sum to be fixed by said commission), conditioned to pay into the treasury of North Carolina the difference between the aggregate freights charged or received and those fixed by said commission and to make a report of freights charged or received every three months during the pendency of such appeal, and whenever the aforesaid difference in freights equals or exceeds the penalty of such undertaking or undertakings said commission may require another to be executed and filed with them. From the time the undertaking first mentioned is filed as aforesaid the judgment appealed from shall be vacated, but a failure for ten days to file any additional undertaking required as aforesaid by said commission shall eo instanti revive such judgment. Out of the funds paid into said treasury under this section shall be refunded to shippers the overpaid freight ascertained by the final determination of the appeal on the recommendation of said commission: *Provided*, application therefor is made within one year from such final determination. Said undertaking shall be payable to the state of North Carolina and sued on as other undertakings which are payable to said state: *And provided further*, that such rates fixed by the commission when approved or confirmed by the judgment of the superior court shall be and remain the established rates and shall be so observed and regarded by such cor-

Causes shall be tried as civil actions.

Cause, how entitled.

Proviso.

Rates of freight shall remain established.

When judgment is vacated.

Overpaid freight refunded to shippers.

Proviso.

Undertaking, to whom payable.

During appeal no injunction shall be granted.

Quarterly statement.

When determination of commission is affirmed.

Commission shall notify appellant another undertaking required.

Failure to file undertaking.

When sworn statements as required are not made, penalty.

poration until the same shall be changed, revised or modified by the final judgment of the supreme court if there shall be an appeal thereto. No judge shall grant an injunction, restraining order or other process staying or affecting during the pending of such appeal the enforcement of any such determination of the said North Carolina Corporation Commission fixing rates or fares without requiring as a condition precedent the executing and filing with said North Carolina Corporation Commission a justified undertaking in the sum of not less than twenty-five thousand dollars for all companies whose road is of less length than fifty miles and fifty thousand dollars for companies whose road is over fifty miles in length, conditioned that the company will make and file with the said North Carolina Corporation Commission a sworn statement every three months during the pending of said appeal of the items of freight, with names of shippers, carried over said company's road within the preceding ninety days, showing the freights charged and those fixed by the said North Carolina Corporation Commission; and that in the event the determination of the said North Carolina Corporation Commission appealed from is affirmed in part or in whole the said company shall within thirty days pay into the treasury of North Carolina the aggregate difference between the freights collected and those fixed by the final determination of the matter appealed. Whenever the aggregate difference between the freights collected and those fixed by the North Carolina Corporation Commission shall equal or exceed the sum specified in said undertaking the said North Carolina Corporation Commission shall notify the appellant or appellants that another justified undertaking in like sum and with the same conditions as aforesaid is required to be executed and filed with the said North Carolina Corporation Commission. A failure to file with the said North Carolina Corporation Commission the sworn statement provided for in this section, or any one of them when more than one is required or asked for, or a failure to give an additional undertaking when required within fifteen days from notice so to do, shall vacate and render null and void any restraining order, injunction or other process to stay the enforcement of any determination of the said North Carolina Corporation Commission as to schedules of rates, etc. When any of the conditions of such undertaking or undertakings are broken the said undertaking or undertakings may be sued on and enforced in the name of the state of North Carolina on the relation of the attorney-general by summons returnable to the superior court of any county in the state at a regular term thereof. In cases where the sworn statements herein required to be made are not made the whole penalty of the undertaking or undertakings shall be enforced and paid into the state treasury. The sums

paid into the treasury under the provisions of this section shall be used to reimburse the shippers of freights for the excess of freights paid over what should have been paid, such reimbursements to be made on recommendation of the said North Carolina Corporation Commission: *Provided*, application therefor is made within one year after the determination of the appeal in which the undertaking or undertakings were given. The recovery in each undertaking shall be applied as aforesaid to such excess of freights as is paid during the period covered by such undertaking. The solicitor of the district shall prosecute the action in his court on behalf of the state, and shall be allowed such fees, to be taxed in the bill of costs, as the court may order; and the attorney-general shall prosecute on appeal to the supreme court on behalf of the state and shall be allowed such fees, to be taxed in the bill of costs, as the court shall allow. Section three thousand seven hundred and thirty eight of The Code regulating fees shall apply as far as applicable to clerk of this commission. Each railroad corporation or other company as hereinbefore named shall within thirty days after the organization of the commission file with said commission a schedule of their rates of charges for freight and passenger tariffs, and the said commission is authorized and required to publish the said rates or a summary thereof in some convenient form for the information of the public and quarterly thereafter the changes made in said schedules if they deem it advisable.

Proviso.

Recovery of undertakings, how applied.

Company required to file schedule of rates.

SEC. 8. The commission, whenever in its judgment any corporation has violated or neglected in any respect to comply with the terms of the act by which it was created or with the provisions of any law of the state not provided for in this act, shall give notice thereof in writing to such corporations, and if the violation or neglect is continued after such notice shall forthwith present the facts to the attorney-general, who shall take such proceedings thereon as he may deem expedient.

Notice to be given to companies violating laws.

SEC. 9. That said commission in making any examination for the purpose of obtaining information pursuant to this act shall have power to issue subpoenas for the attendance of witnesses by such rules as they may prescribe; and said witness shall receive for such attendance two dollars per day and five cents per mile travelled by the nearest practicable route in going to and returning from the place of meeting of said commission, to be ordered paid by the commission upon presentation of subpoenas sworn to by the witnesses as to the number of days served and miles travelled before the clerk of said commission, who is hereby authorized to administer oaths. In case any person shall willfully fail or refuse to obey such subpoenas the commission shall have power to issue an attachment for such witness and compel him to at-

Commissioners empowered to issue subpoenas in making examinations.

Persons refusing to obey subpoenas, attachments for.

tend before the commission and give his testimony upon such matters as shall be lawfully required by such commission; and said commission shall have power to punish for contempt as in other cases of refusal to obey the process and order of any court.

Clerk of commission may serve notices.

The clerk of said commission may serve any notice issued by them and his return thereof shall be evidence of said service; and it shall be the duty of the sheriffs in the state to serve any process, subpoenas and notices issued by said commissioners, and they shall be entitled therefor to the same fees as are prescribed or may be prescribed for serving summons issuing from the superior court, and they shall be liable to the same fines and penalties for failure to discharge their duties on that behalf.

Subpoenas, to whom directed.

SEC. 10. That all subpoenas for witnesses to appear before said commission or before any one or more of said commissioners, and notice to persons or corporations shall be issued by one of said commission and be directed to any sheriff, constable or marshal of any city or town who shall execute the same and make due return thereof as directed therein under the penalties prescribed by law for a failure to execute and return the process of any court; and if any person duly summoned to appear and testify before said commission shall fail or refuse to testify without a lawful excuse or shall refuse to answer any proper question propounded to him by said commission in the discharge of duty or shall conduct himself in a rude, disrespectful or disorderly manner before said commission, or any of them deliberating in the discharge of duty, such person shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty nor more than one thousand dollars.

Persons refusing to obey summons guilty of a misdemeanor.

May provide for separate cars for races.

SEC. 11. That said commission shall have power, whenever they deem it expedient and practicable, to require any railroad corporation operating a railroad or part of a railroad in this state to provide separate and equal accommodations for the white and colored races on the passenger trains, and also at the passenger station or waiting rooms in this state, and for failure to comply with the orders of said commission made under this section such company shall be subject to a penalty of one hundred dollars for each day it so fails to perform the orders of said commission.

Unreasonable rates, shall be held extortion.

SEC. 12. That from and after the passage of this act if any railroad doing business in this state, or any such company organized under the laws of any other state and doing business in this state, shall charge, collect, demand or receive more than a fair and reasonable rate of toll or compensation for the transportation of passengers or freight of any description or for the use and transportation of any railroad car upon its track or any of the branches thereof or upon any railroad in this state which has the right, license or permission to use, operate or control the same, [it] shall

be deemed guilty of extortion, and upon conviction thereof shall be fined not less than five hundred nor more than five thousand dollars.

SEC. 13. That if any common carrier subject to the provisions of this act shall directly or indirectly by any special rate, rebate, drawback or other device, charge, demand, collect or receive from any person or persons a greater or less compensation for any service rendered or to be rendered in the transportation of passengers or property subject to the provisions of this act than it charges, demands or collects or receives from any other person or persons for doing for him or them a like and contemporaneous service in the transportation of a like kind of traffic under substantially similar circumstances and conditions, such common carrier shall be deemed guilty of unjust discrimination, which is hereby prohibited and declared to be unlawful. That it shall be unlawful for any common carrier subject to the provisions of this act to make or give any undue or unreasonable preference or advantage to any particular person, company, firm, corporation or locality, or any particular description of traffic in any respect whatsoever, or to subject any particular person, company, firm, corporation or locality or any particular description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever, and any person, persons, company or corporation violating the provisions of this section shall be upon conviction thereof fined not less than one thousand nor more than five thousand dollars for each and every offense.

Rebates or unjust charges unlawful.

Unreasonable preferences prohibited.

Penalty for.

SEC. 14. That it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kind of property under substantially similar circumstances and conditions for a shorter than for a longer distance over the same line in the same direction, the shorter being included within the longer distance; but this shall not be construed as authorizing any common carrier within the terms of this act to charge and receive as great compensation for a shorter as for a longer distance: *Provided, however,* that upon application to the commission appointed under the provisions of this act such common carrier may in special cases, after investigation by the commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section of this act: *Provided,* that nothing in this act contained shall be taken as in any manner abridging or controlling the rates of freight charged by any railroad in this state for conveying freight which comes from or goes beyond the

Greater proportionate charges for short distances unlawful.

Proviso.

Freight going beyond limits of this state.

Proviso.

Discrimination in freight rates shall be investigated.

Attorney-general shall represent commission.  
Proviso.

Corporation empowered to make special rates for certain industries

Excursion rates.

Violation of rules prescribed by commission unlawful.

Penalty.

Actions for recovery of penalties when brought.

boundaries of the state and on which freight less than local rates on any railroad carrying the same are charged by such railroads, but said railroad company shall possess the same power and right to charge such rates for carrying such freight as they possessed before the passage of this act: *Provided further, however,* that upon the complaint of any person or persons, corporation or corporations to said commission of any unjust discrimination in carrying freight which comes from or goes beyond the boundaries of the state by any railroad company, whether organized under the laws of this state or organized under the laws of another state and doing business in this state, the said commission shall investigate said complaint, and if the same be sustained it shall be the duty of said commission to bring said complaint before the interstate commission for redress in accordance with the provisions of the act of congress establishing said interstate commerce commission; they shall receive upon application the services of the attorney-general of the state and he shall represent them before the interstate commerce commission: *Provided further,* that the North Carolina Corporation Commission conjointly with such companies shall have authority to make special rates for the purpose of developing all manufacturing, mining, milling and internal improvements in the state: *Provided further,* that nothing in this act shall prohibit railroad or steamboat companies from making special passenger rates with excursion or other parties, also rates on such freights as are necessary for the comfort of such parties, subject to the approval of the commission.

SEC. 15. That if any railroad company doing business in this state by its agents or employees shall be guilty of a violation of the rules and regulations provided and prescribed by said commission, and if after due notice of such violation given to the principal officers thereof, if residing in the state, and if not to the manager or superintendent or secretary or treasurer if residing in the state, and if not then to any local agent thereof, ample and full recompense for the wrong or injury done thereby to any person or corporation as may be directed by said commission shall not be made within thirty days from the time of such notice, such company shall incur a penalty for each offense of five hundred dollars. 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 North Carolina Corporation 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 North Carolina Corporation 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 part of the cost. The procedure in such actions, the right of appeals and the rules regulating appeals shall be the same as are now provided by law in other civil actions.

Compensation of prosecuting attorney.

SEC. 16. That if any railroad company doing business in this state shall, in violation of any rule or regulation provided by the commission aforesaid, inflict any wrong or injury on any person such person shall have a right of action and recovery for such wrong or injury in the county where the same was done or where the plaintiff resides, in any court having jurisdiction thereof, and the damages to be recovered shall be the same as [in] an action between individuals except that in case of willful violation of law such railroad companies shall be liable to exemplary damages: *Provided*, that all suits under this act shall be brought within twelve months after the commission of the alleged wrong or injury: *Provided further*, that if an individual is killed the time during which there is no administration shall not be counted: *Provided*, letters of administration are taken out within one year from the killing.

Persons wronged or injured have right of action.

SEC. 17. That all railroad companies in this state shall on demand issue duplicate freight receipts to shippers, in which shall be stated the class or classes of freight shipped, the freight charges over the road giving the receipt, and so far as practicable shall state the freight charges over the roads that carry such freight. When the consignee presents the railroad receipt to the agent of the railroad that delivers such freight such agent shall deliver the articles shipped upon payment of the rate charged for the class of freight mentioned in the receipt. If any railroad company shall violate the provisions of this statute not otherwise provided for such railroad company shall incur a penalty of one hundred dollars for each violation, to be recovered by the party injured.

Proviso. When suit shall be brought.

Duplicate freight receipts.

Violation of provisions of this statute unlawful. Penalty.

SEC. 18. That every officer, agent or employee of any railroad company, express or telegraph company who shall willfully neglect or refuse to make and furnish any report required by the commission for the purpose of this act, or who shall willfully or unlawfully hinder, delay or obstruct said commission in the discharge of the duties hereby imposed upon them, shall forfeit and pay five hundred dollars for each offense, to be recovered in an action in the name of the state. A delay of ten days to make

Officers refusing or neglecting to make report.

and furnish such report shall raise the presumption that the same was willful.

Stations established for one year shall not be abandoned.

SEC. 19. A railroad corporation which has established and maintained for a year a passenger station or freight depot at a point upon its road shall not abandon such station or depot nor substantially diminish the accommodation furnished by the stopping of trains except by consent of a majority of the commission.

Relocation of depots.

SEC. 20. A railroad corporation may relocate passenger or freight depots with the approval in writing of the commission.

Discrimination of rates with connecting lines prohibited.

SEC. 21. All common carriers subject to the provisions of this act shall according to their powers afford all reasonable, proper and equal facilities for the interchange of traffic between their respective lines and for the forwarding and delivering of passengers and freights to and from their several lines and those connecting therewith, and shall not discriminate in their rates and charges against such connecting lines, and connecting lines shall be required to make as close connection as practicable for the convenience of the travelling public. And said common carriers shall obey all rules and regulations made by said commission relating to trackage. Any violation of the provisions of this section shall be punished by a fine of not less than five hundred dollars or exceeding five thousand dollars for each and every offense.

May handle property free for U. S., or state or municipalities and for other purposes.

SEC. 22. That nothing in this act shall prevent the carriage, storage or handling of property free or at reduced rates for the United States states or municipal governments or for charitable or educational purposes or for any corporation or association incorporated for the preservation and adornment of any historic spot, or to the employees or officers of such company or association while travelling in the performance of their duties, provided they shall not travel further than ten miles one way on any one trip free of charge, or to or from fairs or exhibitions for exhibition thereat, or the free carriage of destitute and homeless persons transported by charitable societies and the necessary agents employed in such transportation, or the free transportation of persons travelling in the interest of orphan asylums or any department thereof, or officers of the geological survey while attending to the duties of this office, or ex-Confederate soldiers attending annual reunion, or the issuance of mileage, excursion or commutation passenger tickets; nothing in this act shall be construed to prohibit any common carrier from giving reduced rates to ministers of religion or to municipal governments for the transportation of indigent persons or to inmates of national homes or state homes for disabled volunteer soldiers and of soldiers and sailors' orphan homes, including those about to enter and those returning home after discharge under arrangements with the boards of managers of said homes; nothing in this act shall be construed

to prevent railroads from giving free carriage to their own officers and employees and members of their families, or to prevent the principal officers of any railroad company or companies from exchanging passes or tickets with other railroad companies for their officers or employees; and nothing in this act contained shall in any way abridge or alter the remedies now existing at common law or by statute, but the provisions of this act are in addition to such remedies: *Provided*, that the commission shall have power to suspend any or all the provisions of this section after thirty days' notice to any company. The commissioners and their clerks shall be transported free of charge over all railroads and railroad trains in this state when travelling on official business.

Free carriage to officers, etc., permitted.

Proviso.

Commissioners and clerks may be transported free.

SEC. 23. That any railroad or other company or corporation which violates any of the provisions of this act or refuses to conform to or obey any rule, order or regulation of North Carolina Corporation Commission shall, in addition to the other penalties prescribed in this act, forfeit and pay the sum of five hundred dollars for each offense, to be recovered in an action to be instituted in the superior court of Wake county in the name of the state of North Carolina on the relation of the North Carolina Corporation Commission, and each day such company or corporation continues to violate any provision of this act or continues to refuse to obey or perform any rule, order or regulation prescribed by said North Carolina Corporation Commission shall be a separate offense.

Additional penalties for violation of regulations of corporation commission.

SEC. 24. The commission may investigate the causes of any accident on a railroad resulting in the loss of life, and of any accident not so resulting which they may deem to require investigation.

Investigation of accidents.

SEC. 25. Whenever any company or corporation embraced in this act has a controversy or controversies with another such company or corporation or person or persons, and all the parties to such controversy agree in writing to submit such controversy to the commission aforesaid as arbitrators, said commission shall act as such, and after due notice to all parties interested shall proceed to hear the same, and their award shall be final. Said award in cases where land or an interest in land is concerned shall immediately be certified to the clerk of the superior court of the county in which said land is situated and shall by such clerk be docketed in the judgment docket for said county, and from such docketing shall be a judgment of the superior court for such county. Before such arbitrators parties may appear in person or by attorney.

Controversy between companies submitted to commission.

SEC. 26. That in all cases under the provisions of this act the rules of evidence shall be the same as in civil actions, except as

Rules of evidence.

Fines, how applied.

provided by this act. All fines recovered under the provisions of this act shall be paid into the state treasury to be used for such purposes as the general assembly may provide. The remedies hereby given the persons injured shall be regarded as cumulative to the remedies now given or may be given by law against railroad corporations, and this act shall not be construed as repealing any statute giving such remedies.

Commission shall make annual reports to general assembly.

SEC. 27. That it shall be the duty of the commission herein provided for to make to the governor annual reports of the transactions of their office and to recommend from time to time such legislation as it may deem advisable under the provisions of this act, and the governor shall have one thousand copies of such report printed for distribution.

Fiscal year to which reports made.

SEC. 28. That the fiscal year to which all reports shall be made which may be required of any railroad or transportation company by the commission under this act shall be the thirtieth of June as now fixed by law by the interstate commission of the United States: *Provided*, that from all decisions or determinations arising under the operation or enforcement of this act the party or corporation affected thereby shall be entitled to appeal therefrom as provided in section seven of this act, and when no exception is made to the facts as found by the commission then the appeal shall be taken direct to the supreme court.

Quorum.

SEC. 29. That any two of said North Carolina Corporation Commission shall constitute a quorum for the transaction of business, and the chairman of said commission is hereby authorized and empowered to perform the duties and exercise the powers conferred by this act as to banking and building and loan associations: *Provided*, nothing herein contained shall prevent the other members of said commission from acting with said chairman in all of said matters.

Offices of commission.

SEC. 30. That said North Carolina Corporation Commission shall use and occupy the offices and rooms lately occupied by the board of railroad commissioners in the city of Raleigh, and they shall keep their office open for the transaction of business at all times, and it shall be the duty of the chairman of said commission and each of said commissioners to remain in said office at least fifteen days in each month, unless said commissioners are detained from said office on official business connected with the duties of the office.

Salary of chairman and commissioners.

SEC. 31. That the salary of the chairman of the said commission and of the other two members of the commission shall be two thousand dollars each per annum, payable monthly by the public treasurer on the warrant of the auditor, and they may elect and appoint a clerk, who shall be an expert accountant, experienced in railroad statistics and transportation rates, whose

salary shall be one thousand five hundred dollars, which shall be paid monthly on the warrant of the auditor out of any funds not otherwise appropriated. The office of said commission shall be kept in Raleigh, and they shall be furnished with an office, necessary furniture and stationery, postage, lights, fire and servant, which shall be paid for by the public treasurer on the warrant of the auditor. Any one of said commissioners shall have power to administer an oath or affirmation in any and all matters relating to their official duties. The general assembly shall designate the chairman of said commission, and in the event of the vacancy or the absence of the chairman the commissioners shall fill the vacancy pro tem.

Office, where kept.

SEC. 32. That all the expenses of the commission except as hereinafter provided, including all necessary expenses for transportation incurred by the commissioners or by their employees under their orders in making any investigation, or upon official business, or for any other purposes necessary for carrying out the provisions of this act, shall be allowed, and the auditor shall issue his warrant upon presentation of itemized vouchers therefor approved by the chairman of the commission: *Provided*, that the expenses allowed under this section shall not exceed three thousand six hundred dollars annually.

Expenses of commission.

SEC. 33. That all license fees and seal tax paid into the office of the North Carolina Corporation Commission shall be turned into the state treasury; also [any] and all moneys received from fines and penalties.

License fees and seal tax.

SEC. 34. That said North Carolina Corporation Commission shall keep a record showing in detail all receipts and disbursements.

Record of receipts and disbursements.

SEC. 35. That this act shall be in force from and after the fifth day of April, eighteen hundred and ninety-nine.

Ratified the 6th day of March, A. D. 1899.

#### CHAPTER 165.

An act to amend chapter four hundred and eighty-four of the public laws of eighteen hundred and ninety-seven.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section two of chapter four hundred and eighty-four of the laws of eighteen hundred and ninety-seven be and the same is hereby repealed.

Chapter 484, Laws of 1897, protecting wild fowl in Hyde county

SEC. 2. All acts or parts of acts in conflict with this act be and the same are hereby repealed.

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

Ratified the 31st day of January, A. D. 1899.

## CHAPTER 166.

An act to provide a permanent system of government for Craven county.

*The General Assembly of North Carolina do enact :*

Chapter 135, laws of 1895, repealed.

SECTION 1. That chapter one hundred and thirty-five (135), public laws eighteen hundred and ninety-five, and all amendments thereto, are hereby repealed.

Repealed laws re-enacted.

SEC. 2. That that part of The Code and the acts amending the same passed prior to eighteen hundred and ninety-five, which were repealed by said chapter one hundred and thirty-five, public laws eighteen hundred and ninety-five, are hereby re-enacted.

County commissioners, how composed.

SEC. 3. After the first Monday in December, Anno Domini nineteen hundred, the board of commissioners shall be composed of five members.

Election of commissioners.

SEC. 4. The first election of commissioners under this act shall be held on the first Monday in June, Anno Domini nineteen hundred; the term of office to begin on the first Monday in December, Anno Domini nineteen hundred.

Shall apply to Craven county only. Conflicting laws repealed.

SEC. 5. This act shall apply to Craven county only.

SEC. 6. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 7. This act shall be in force from and after its ratification. Ratified the 31st day of January, A. D. 1899.

## CHAPTER 167.

An act for the better government of Caswell county.

*The General Assembly of North Carolina do enact :*

Additions to board of county commissioners.

SECTION 1. That John W. Corbett, Joseph C. Allison, M. Oliver and G. A. Chandler, of Caswell county, be and they are hereby appointed members of the board [of] commissioners of said Caswell county with the same rights, power, and subject to the same duties and liabilities as members of said board as if they had been duly elected at the last regular general election held in said county.

Rights, powers and duties of added members.

Board, how constituted.

SEC. 2. That the three commissioners elected in said county at the last general election with the four appointed in this act shall constitute the board of commissioners for Caswell county from their qualification by taking the oath required for county commissioners.

Board shall meet, when.

SEC. 3. That on the first Monday in February, eighteen hundred and ninety nine, the four commissioners provided for in this

act shall meet in session with the three commissioners now in force in the court-house in Yanceyville in said county for the transaction of such business as may come before them, and they shall reorganize the board on this day, the first Monday in February, eighteen hundred and ninety-nine, by the election of one of their number as chairman of the board, who shall preside over all meetings of the board when present and discharge all the functions as chairman of board of commissioners. In the absence of the chairman they may appoint a chairman pro tem, who shall preside in the absence of the regular chairman.

Board shall be reorganized.

Chairman pro tem.

SEC. 4. That the secretary of state shall certify a true copy of this act under the great seal of the state and mail the same to sheriff of Caswell county within three days after its ratification; the sheriff of said county shall at once notify the said John W. Corbett, J. C. Allison, M. Oliver and G. A. Chandler to be present at the above mentioned meeting, time and place of said meeting.

Copy certified by secretary of state, to sheriff of Caswell county.

Sheriff notify new members.

SEC. 5. That the provisions of this act shall be and continue in force until after the election and qualification of the successors of said board of commissioners to be provided for by general statute hereafter.

Act, how long to be in force.

SEC. 6. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

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

Ratified the 31st day of January, A. D. 1899.

## CHAPTER 168.

An act to regulate the duties and powers of town constables, and validate proceedings based on process served by them.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the services of any process of any constable of any incorporated city or town within his county in this state shall have the same force and effect as that of any township constable, whether the process is directed to him as such town constable or the sheriff, constable or other lawful officer of said county.

Process served by any town constable to have effect of township constable.

SEC. 2. This act shall apply only to Hertford county.

Applies only to Hertford county.

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

Ratified the 26th day of January, A. D. 1899.

## CHAPTER 169.

**An act to provide for the appointment of commissioners in Washington county.**

*The General Assembly of North Carolina do enact :*

Additions to board of county commissioners.

SECTION 1. That Joseph Skittlethorpe, James A. Chesson, Jeremiah Reed and Abram Newbury be and they are hereby appointed commissioners for the county of Washington, to constitute a part of the board of commissioners for said county, in like manner as if they had been elected at the last election.

When augmented board shall meet and organize.

SEC. 2. The commissioners of Washington county as now constituted, together with those appointed in this act, shall meet at the court-house in Plymouth on the first Monday in February, eighteen hundred and ninety-nine, and organize by electing a chairman for said board.

How often the board shall meet.

SEC. 3. The said board of commissioners shall meet on the first Monday in February and September of each year and not oftener: *Provided*, that the said board shall, on the first Monday in February and September respectively, appoint three of their members, consisting of the chairman and two others, to meet as often as said appointees may deem it necessary for the transaction of such business as may come before them and for the performance of any and all the duties of commissioners as now provided by law; and any and all acts of said commissioners shall be as valid as if performed by all the members of said board in regular meeting.

Proviso.

Compensation and mileage.

SEC. 4. That the said commissioners shall each receive one dollar per day and mileage for each meeting.

What shall constitute a quorum.

SEC. 5. That a majority of the commissioners required to be present at any meeting shall constitute a quorum.

Conflicting laws repealed.

SEC. 6. That all laws and clauses of laws in conflict with this act be and they are hereby repealed.

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

Ratified the 31st day of January, A. D. 1899.

## CHAPTER 170.

**An act to increase the number of commissioners of Craven county.**

*The General Assembly of North Carolina do enact :*

Commissioners increased—term.

SECTION 1. That the number of county commissioners is hereby increased to seven for the term ending the first Monday in December, nineteen hundred.

SEC. 2. That E. W. Smallwood, W. C. Brewer, H. C. Wood and

Samuel W. Latham are hereby elected additional commissioners for the term aforesaid, which term shall begin upon the ratification of this act.

Names of additional commissioners.

SEC. 3. That said additional commissioners shall qualify as early as practicable after the passage of this act, and shall meet with the present three commissioners and with them shall constitute the board of commissioners for Craven county.

Additional commissioners shall qualify, when.

SEC. 4. That said board of commissioners shall organize on the first Monday in February, eighteen hundred and ninety-nine, or as early as practicable thereafter, by electing a chairman, and the present board of commissioners shall hold no meeting before the first Monday in February, eighteen hundred and ninety-nine.

Organization, when to be affected.

Prohibition.

SEC. 5. The secretary of state is hereby directed to send a copy of this act under the seal of state to the clerk of the superior court and to the chairman of the board of commissioners of Craven county immediately upon its ratification.

Copy to be sent to clerk of superior court.

SEC. 6. This act shall apply only to Craven county.

SEC. 7. All laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 8. This act shall be in force from and [after] its ratification. Ratified the 31st day of January, A. D. 1899.

#### CHAPTER 171.

An act to repeal chapter one hundred and twelve (112) of the public laws of North Carolina, session of eighteen hundred and ninety-five (1895), and chapter one hundred and seventy-two (172) of the public laws of North Carolina, session of eighteen hundred and ninety-seven (1897), and restore Mount Airy township, in Surry county.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and twelve of the public laws of North Carolina, enacted at the session of eighteen hundred and ninety-five, entitled "An act to establish three new townships in Surry county," and chapter one hundred and seventy-two of the public laws of North Carolina passed at the session of eighteen hundred and ninety-seven, entitled "An act to establish two new townships in Surry county," be and the same are hereby repealed; and all territory included in the several townships created by the said two acts which prior to the passage of said acts or either of them was included in and known as "Mount Airy township," Surry county, and as such shall be taken and held to be the successor to the said "Mount Airy township,"

Title acts repealed.

Mt. Airy township restored.

Rights, etc., of restored township.  
Liabilities of restored township.

Surry county, as it existed before the passage of either of said acts, and as such shall be entitled to all the rights, powers and privileges and be under, subject and liable to all of the duties and obligations to which said Mount Airy township was prior to the passage of either of the said acts, and shall be and exist to all intents and purposes as if the laws in said two chapters had never been enacted.

Justices of the peace in restored township.

SEC. 2. That all persons who live within the boundaries of the territory embraced in the said "Mount Airy township," as the same was constituted and existed prior to the passage of either of the two aforementioned acts, and are now justices of the peace in and for said Mount Airy township as if originally appointed or elected for said Mount Airy township; and such persons are hereby appointed justices of the peace in and for said Mount Airy township, with all of the rights, privileges, powers, duties and obligations which existed and rested upon the justices of the peace in and for "Mount Airy township," Surry county, as it existed prior to the passage of the acts or either of them in section one of this act repealed.

Territory restored to township from which it was taken.

SEC. 3. That such portions of the territory included in the boundaries set out in section two of said chapter one hundred and twelve (112) as was taken from Eldora township in Surry county by said act shall be and the same is hereby restored and annexed to said Eldora township, and shall be a part thereof as far and to the same extent, purpose and effect as if said law had never been enacted; and all of the persons living within the territory thus restored and annexed to said Eldora township and are now justices of the peace shall be justices of the peace in and for said Eldora township as if originally appointed or elected by and for said township, and such persons are hereby appointed justices of the peace in and for said township.

Justices in territory annexed to Eldora township.

Territory taken from Dobson township restored.

SEC. 4. That such portion of the territory included in the boundaries set out in section two of said chapter one hundred and twelve (112) as was taken from Dobson township in Surry county shall be and the same is hereby restored and annexed to said Dobson township and shall be a part thereof, as far and to the same extent, purpose and effect as if said law had not been enacted; and all persons living within the territory thus restored and annexed to said Dobson township and are now justices of the peace shall be justices of the peace in and for said Dobson township as if originally appointed or elected by and for said township, and such persons are hereby appointed justices of the peace in and for said township.

Justice of the peace in territory annexed to Dobson township.

Voting precincts restored.

SEC. 5. That the voting precincts in and for Mount Airy township as by this act restored shall be the same as before the pas-

sage of either of the laws repealed by this chapter or as shall be established under the general election law of the state.

SEC. 6. That all laws and clauses of laws in conflict with this act or any part thereof are hereby repealed.

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

Ratified the 1st day of February, A. D. 1899.

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CHAPTER 172.

An act to amend chapter one hundred and eight, public laws of eighteen hundred and ninety-five.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter one hundred and eight, public laws of eighteen hundred and ninety five, be and the same is hereby amended by inserting in section one in line ten after the word "election" and before the word "the" the following: "And in case of a vacancy by death or otherwise the commissioners of the town of Mooresville shall elect a competent person to fill out the unexpired term."

Chapter 108, laws of 1895, relating to cotton weighers in Mooresville, amended.

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

Ratified the 1st day of February, A. D. 1899.

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CHAPTER 173.

An act to amend chapter three hundred and forty-five, public laws of eighteen hundred and ninety-five.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter three hundred and forty-five, public laws of eighteen hundred and ninety-five, be amended by striking out the words "French Broad" in line two of said chapter after the word "river."

Chapter 345, public laws of 1895, to prohibit taking fish in Henderson county, amended.

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

Ratified the 26th day of January, A. D. 1899.

## CHAPTER 174.

**An act to provide for filling vacancies in the offices of Craven county.**

*The General Assembly of North Carolina do enact :*

Board of commissioners to fill vacancies.

SECTION 1. That whenever any vacancy from a cause other than the expiration of a term shall occur in the office of sheriff, treasurer, register of deeds, coroner or township constable the board of commissioners shall fill the same.

Justices of the peace to fill certain vacancies.

SEC. 2. That whenever a vacancy for a cause other than the expiration of the term shall occur on the board of commissioners the justices of the peace of the county shall fill the same.

SEC. 3. This act shall apply only to the county of Craven.

Conflicting laws repealed.

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.

Ratified the 1st day of February, A. D. 1899.

## CHAPTER 175.

**An act to enable the board of county commissioners to revise the jury list of New Hanover county.**

*The General Assembly of North Carolina do enact :*

Board of commissioners to revise jury list.

SECTION 1. That the board of commissioners of New Hanover county shall at their first regular meeting after the ratification of this act, or as soon thereafter as practicable, revise the jury list of said county that the same may conform to the laws made and provided for such purposes.

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

Ratified the 1st day of February A. D. 1899.

## CHAPTER 176.

**An act to alter the dividing line between White House and Britt's townships, in Robeson county.**

*The General Assembly of North Carolina do enact :*

Township line, how to run.

SECTION 1. That the dividing line between White House and Britt's townships in Robeson county be altered so as to run up Hog Swamp to the point where Red Hill branch runs into Hog Swamp; then up Red Hill branch to the line of Hill estate land;

then with the dividing line between Miss Rosa Ashley's land and the lands of the Hill heirs to the run of Miry branch; then with the run of Miry branch to the old field swamp, present line of White House township, so as to include the Ashley and Pitman plantations in White House township.

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

Ratified the 1st day of February, A. D. 1899.

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#### CHAPTER 177.

An act to protect fish in number eleven (11) township, Madison county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That any person fishing on the waters of Puncheon Fork of Upper Laurel or in the John English creek, including the Indian John Hensley creek in said township number eleven (11) without first obtaining a written permission from land holders or their agents shall be guilty of a misdemeanor and upon conviction shall be fined not less than five (\$5) dollars or imprisoned not more than thirty days.

Persons prohibited from fishing in certain waters without written permission of land owners—violations—misdemeanor—conviction—fine or imprisonment.

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

Ratified the 3d day of February, A. D. 1899.

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#### CHAPTER 178.

An act appointing H. E. Markham a justice of the peace.

*The General Assembly of North Carolina do enact :*

SECTION 1. That H. E. Markham, of Tryon, in the county of Polk, be and he is hereby appointed a justice of the peace with all the rights, powers and jurisdiction of justice of the peace and that his term of office continue until the next general election.

Appointing justice of the peace.

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

Ratified the 3rd day of February, A. D. 1899.

## CHAPTER 179.

**An act to provide for the appointment of justices of the peace in Beaver Dam township, Washington county.***The General Assembly of North Carolina do enact :*

Justices of the peace appointed.

SECTION 1. That C. J. Spear, Thomas A. Swain and Henry C. Phelps be and are hereby appointed justices of the peace for Beaver Dam township, Washington county, to hold office until the first Monday in December, nineteen hundred and two.

Appointee to qualify, before whom—time.

SEC. 2. That the said C. J. Spear, Thomas A. Swain and Henry C. Phelps shall qualify before the clerk of the superior court of Washington county within thirty days from the ratification of this act.

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

Ratified the 3d day of February, A. D. 1899.

## CHAPTER 180.

**An act to create an additional justice of the peace for Madison county, in number one township.***The General Assembly of North Carolina do enact :*

Justice of the peace added in Madison county.

SECTION 1. That an additional justice of the peace be and is hereby created for number one township in the county of Madison.

Justice of the peace appointed—term of office.

SEC. 2. That Joseph R. Hess of said township be and is hereby appointed a justice of the peace for said township to fill the position created by this act. His term of office shall begin with the ratification of this act and shall continue for six years from the first day of December, eighteen hundred and ninety-nine.

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

Ratified the 3d day of February, A. D. 1899.

## CHAPTER 181.

**An act appointing L. G. L. Taylor a magistrate.***The General Assembly of North Carolina do enact :*

Justice of the peace appointed—powers, etc.

SECTION 1. That L. G. L. Taylor, of High Shoal township, Rutherford county, be and is hereby appointed a justice of the peace with all the rights, powers and jurisdiction of a justice of the peace.

Term of office.

SEC. 2. That the term of office of said justice of the peace shall continue until the next regular election for members of the general assembly.

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

Ratified the 3d day of February, A. D. 1899.

## CHAPTER 182.

## An act to confer police powers on deputy sheriffs at Haw River, in Alamance county.

*The General Assembly of North Carolina do enact :*

- SECTION 1. That it shall be the duty of the deputy sheriff or deputy sheriffs in Alamance county, living and resident at Haw River in said county or those appointed by the sheriff of Alamance county for that section of said county in which Haw River is situated, and he or they shall have power and authority to suppress all disturbances of the quiet and good order of and in the village of Haw River or on the premises of the Granite Manufacturing Company, the Thomas M. Holt Manufacturing Company, the Cora Manufacturing Company and other premises situated in said county and adjacent to said village and premises, and to arrest all offenders against the same, to prevent as far as possible all injury to property in said village or on the above-mentioned property adjacent thereto. Said deputy sheriff or deputy sheriffs shall have authority and power, if resisted in the execution of his or their official duties, to summon a sufficient number of men to aid him or them in enforcing the law; and if any person or persons so summoned shall refuse to assist, the said deputy sheriff or deputy sheriffs are hereby required to report the names of such person or persons to the proper authorities, to the end that he or they may be dealt with as the law directs. Said deputy sheriff or deputy sheriffs shall have power to enter the enclosure and house of any person or persons in the aforesaid village and on the aforesaid premises without warrant when he or they have good reason to believe that a felony or infamous crime has been or is about to be committed, for the apprehension of any person so offending, and if necessary to summon a posse to aid him or them, and all persons so summoned shall have like authority of entry and arrest. Any person or persons arrested by said deputy sheriff or deputy sheriffs shall as soon as practicable be taken and carried to and before some justice of the peace of Alamance county, when and where formal complaint shall be lodged against such person or persons as prescribed by law to the end that such person or persons may have a speedy trial and be dealt with as the law directs.
- SEC. 2. Such deputy sheriff or deputy sheriffs shall have the same power and authority in the village of Haw River and on the said adjacent premises as policemen in incorporated cities and towns of this state have and exercise in said cities and towns.
- SEC. 3. Such deputy sheriff or deputy sheriffs when on duty

Police powers conferred upon certain deputy sheriffs.

Territory embraced.

May arrest offenders.

Powers and authority, if resisted.

May summon posse. Report person refusing to obey summons.

May enter enclosures and houses without warrant in certain cases.

Posse may enter without warrant when summoned.

Persons arrested to be taken before some justice of the peace.

Powers of deputy sheriffs in village.

Deputies on duty  
to wear shield.

shall severally wear a metallic shield with the word "policeman" inscribed thereon, and said shield shall always be worn in plain view except when employed as detectives.

SEC. 4. This act shall be in force from and after its ratification. Ratified the 3d day of February, A. D. 1899.

#### CHAPTER 183.

An act to amend chapter two hundred and seventy-six, public laws of eighteen hundred and ninety-seven.

*The General Assembly of North Carolina do enact :*

Chapter 276, laws  
of 1897, relating to  
cotton weighers  
in Wayne county,  
amended.

SECTION 1. That chapter two hundred and seventy six of the public laws of eighteen hundred and ninety-seven be amended by striking out the word "two" in the fifth line of section one thereof and by inserting in lieu thereof the word "one."

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

Ratified the 8th day of February, A. D. 1899.

#### CHAPTER 184.

An act to amend chapter two hundred and thirty-three (233) of the public laws of eighteen hundred and ninety-seven (1897.)

*The General Assembly of North Carolina do enact :*

Chapter 233, laws  
of 1897, relating to  
work roads in  
Cherokee county,  
amended.

SECTION 1. That chapter two hundred and thirty-three (233) of the public laws of eighteen hundred and ninety-seven (1897) be and the same is hereby amended by inserting the words "and not more than twelve" after the word "six" and before the word "days" in second line of section six.

Damage to roads.

SEC. 2. That the following paragraph be added to the end of section nine of this chapter (two hundred and thirty-three): That when any damage may occur to any of the public roads in said county by the acts of any company, firm or person operating any sawmill or lumber yard by reason of hauling their logs or lumber over said road or the bridges on same, which the ordinary labor of the road hands is not adequate to repair, the road supervisor shall on receiving information of such damage give a five days' written notice to such person or business agent of said companies or firm of said damage, and it shall be the duty of said company, firm or person to repair such road or bridge within ten days

Person doing the  
damage to repair  
the same.

after the expiration of the five days' notice aforesaid, and any person, business agent or other member of such company or firm who shall fail to repair said damage to such road or bridges within the time above set forth after such notice, unless hindered by continued bad weather or other providential hindrance, shall be deemed guilty of a misdemeanor.

Persons, etc., refusing to repair same guilty of a misdemeanor.

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

Ratified the 8th day of February, A. D. 1899.

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### CHAPTER 185.

An act to amend chapter three hundred and fifty-three of the public laws of eighteen hundred and ninety-seven.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter three hundred and fifty three of the public laws of eighteen hundred and ninety-seven be amended as follows: Strike out all after the word "for" in section four, line four of said chapter and insert the following: *Provided*, this act shall apply only to the counties of Craven, Dare, Johnston, Hyde, Pamlico and Transylvania.

Chapter 353, laws of 1897, relating to convicts on roads in Anson county, amended.

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

Ratified the 8th day of February, A. D. 1899.

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### CHAPTER 186.

An act to repeal chapter one hundred and fourteen of the public laws of eighteen hundred and ninety-seven, establishing Muddy Creek township in McDowell county.

*The General Assembly of North Carolina do enact :*

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

Repealed.

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

Ratified the 8th day of February, A. D. 1899.

## CHAPTER 187.

**An act to increase the number of county commissioners of Rowan county, North Carolina.***The General Assembly of North Carolina do enact :*

Additions to  
county commis-  
sioners.  
Powers and  
duties.  
Term of office.

SECTION 1. That P. P. Meroney and W. A. Houck are hereby elected county commissioners of the county of Rowan, and that they shall have the same power and duties as the present members of the said board of county commissioners of said county and who shall hold their office until the next election of commissioners for said county.

Five commis-  
sioners—next elec-  
tion and subse-  
quent elections.  
Duties of com-  
missioners.

SEC. 2. That at the next election for commissioners held for said county, and every two years thereafter, there shall be elected in said county of Rowan five commissioners with the power and duties which now are or may be hereafter prescribed by law for county commissioners.

Commissioners  
qualify, how.

SEC. 3. That the commissioners herein named shall qualify and be inducted into office by filing the necessary oath before the clerk of the superior court of Rowan county.

Conflicting laws  
repealed.

SEC. 4. That all laws, parts and clauses of laws in conflict with this act be and the same are hereby repealed in so far only as they relate to Rowan county.

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

Ratified the 8th day of February, A. D. 1899.

## CHAPTER 188.

**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 :*

May be absent  
from office—ex-  
emption from  
penalties, etc.

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 second, third and fourth Mondays of August and the first Monday in September in the years eighteen hundred and ninety-nine and nineteen hundred, and to be exempt from the provisions, penalties and liabilities mentioned in sections one hundred and fourteen and one hundred and fifteen of The Code: *Provided*, that said clerk shall leave a competent deputy to perform all duties authorized to be performed by said deputy.

Proviso.

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

Ratified the 8th day of February, A. D. 1899.

## CHAPTER 189.

## An act to establish a dispensary at Jackson, 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 individually any spirituous, vinous or other intoxicating liquors within the corporate limits of the town of Jackson, in Northampton county, state of North Carolina, except as hereinafter provided in this act.

SEC. 2. A board consisting of John E. Moore, R. B. Peebles and B. S. Gay is hereby constituted, to be known as the board of dispensary commissioners of the town of Jackson, who shall hold their office respectively for one, two and three years, 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 of Jackson to fill the office made vacant by the expiration of the term of said dispensary commissioner, and upon the approval of the election by the mayor and town commissioners of the town of Jackson he shall become a dispensary commissioner for the term of three years. Should the town commissioners and mayor 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 mayor and 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 for 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 and mayor to elect a citizen and elector of Jackson to fill the office then vacant.

SEC. 3. That it shall be the duty of the dispensary commissioners herein appointed to provide a suitable place for the sale of spirituous, vinous, malt and other liquors within the corporate limits of the town of Jackson (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 the dispen-

Sale of intoxicants forbidden.

Board of dispensary commissioners.

Term of office.

Vacancies, how and by whom filled.

Approval by mayor and town commissioners.

Right to nominate in place of persons rejected.

Take and subscribe oath—oath how and where filed.

Election in case of failure, by whom.

Place for dispensary.

Sales, under direction of whom—manager.

Manager, by whom chosen.

Dismissal for cause.	sary 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 Jackson; 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.
Bond of manager—how conditioned.	
Manager, salary of.	
Register.	
Stock—quantity.	SEC. 4. The manager of the dispensary shall at 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 Jackson 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.
Bills, by whom paid.	
Sales for cash only.	
Rules and regulations.	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 nine o'clock p. m., 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.
Liquor and wines not to be sold in less quantities than one half pint. No drinking on premises—no sales to habitual drunkards, minors or persons intoxicated. Prescription of physician. Time of opening and closing.	
Price, by whom fixed. Proviso.	SEC. 6. The price at which spirituous, vinous or malt liquors shall be sold shall be fixed by the dispensary commissioners: <i>Provided</i> , that the same shall not be sold for a profit exceeding eighty (80) per centum above the actual cost thereof.
Sales to be in sealed packages. Keeping broken packages forbidden.	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.
Reports of manager.	

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.

Stock to be inspected and analyzed.  
No impure stock to be sold.

Impure stock not to be paid for.

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 resale, 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.

Wholesaling forbidden.

Commissioners shall determine amounts to be sold.

Liquors for medical purposes.

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 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.

Loitering in dispensary forbidden.

Removal.

SEC. 11. The mayor and board of town commissioners of said town of Jackson 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 violations of the provisions of this act.

Ordinances.

SEC. 12. The mayor and board of town commissioners shall appropriate from the town treasury a sufficient amount to establish the dispensary as provided for in this act, which amount shall be repaid into the town 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

Appropriation—how repaid.

How supported.

Proviso.

should for any reason be no money in hand derived from the profits of the dispensary, such amounts being always repaid to the town 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 town treasury, and if necessary to levy and collect taxes for that purpose.

May levy tax.

Annual report.

SEC. 13. The dispensary commissioners shall make and publish 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.

Pay of commissioners.

SEC. 14. 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.

Treasurer—bond.

SEC. 15. That the treasurer of the town of Jackson, before receiving any of the funds derived from said dispensary, shall enter into bond sufficient to cover the amount of funds received by him, which bond shall be in an amount of not less than one thousand dollars, to be received and approved by the mayor and board of town commissioners of Jackson. That said treasurer shall receive for his services one-half of one per centum on receipts and two per centum on amount of disbursements.

Pay of treasurer.

Net proceeds, how disposed of.

SEC. 16. That the net proceeds derived from the sale of liquors under this act shall be disposed of in the following manner: One-third to be paid into the town treasury of Jackson for the use and benefit of said town, two-thirds to be paid into the town treasury of Jackson for the use and benefit of the public schools of Jackson township, Northampton county, and to be disposed of and apportioned between the white and colored races by a joint board, consisting of the mayor and commissioners of the town of Jackson and the public school committee of Jackson township, Northampton county.

Conflicting laws repealed.

SEC. 17. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed, and that section three thousand one hundred and eleven of The Code is hereby repealed as to its application to this act.

Code, section, repealed.

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

Ratified the 8th day of February, A. D. 1899.

## CHAPTER 190.

**An act to appoint a constable in Mount Airy township, Surry county.***The General Assembly of North Carolina do enact:*

SECTION 1. That E. M. Taylor be and he is hereby appointed constable for the township of Mount Airy in the county of Surry. Constable appointed.

SEC. 2. That upon the said E. M. Taylor entering into bond in the sum of five hundred dollars, as required by law for constables, he shall be entitled and is hereby authorized to hold the office of constable in Mount Airy township until his successor is duly elected and qualified. Bond—authorized to hold office—term.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this bill are hereby repealed. Conflicting laws repealed.

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

Ratified the 8th day of February, A. D. 1899.

## CHAPTER 191.

**An act to repeal chapter two hundred and ten (210) of the public laws of eighteen hundred and ninety-five (1895.)***The General Assembly of North Carolina do enact:*

SECTION 1. That chapter two hundred and ten (210) of the public laws of eighteen hundred and ninety-five (1895) be and the same is hereby repealed. Chapter 210, laws of 1895, relating to equalizers and assessors of real estate in Cherokee county, repealed.

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

Ratified the 8th day of February, A. D. 1899.

## CHAPTER 192.

**An act to protect quail and other food birds in Madison county.***The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person or persons to hunt or kill quail or other food birds on lands other than his own without first obtaining the written permission of the owner of the land. Hunting quail, etc.

SEC. 2. Any one violating section one of this act shall be guilty of a misdemeanor, and for every such offense shall be fined not less than five dollars or imprisoned for more than thirty days. Violations—misdemeanor—fine or imprisonment.

SEC. 3. That this act shall apply only to Madison county.

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

Ratified the 8th day of February, A. D. 1899.

## CHAPTER 193.

**An act to amend chapter one hundred and thirteen of the public laws of eighteen hundred and ninety-five.***The General Assembly of North Carolina do enact :*

Chapter 113, laws of 1895, cotton weighers in Franklin county, amended.

SECTION 1. That section one of chapter one hundred and thirteen of the public laws of eighteen hundred and ninety-five be amended as follows: Strike out of section one the words "clerk of the superior court" in line one of said section and insert in lieu thereof the words "county commissioners"

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

Ratified the 8th day of February, A. D. 1899.

## CHAPTER 194.

**An act to change times of holding courts in Duplin county.***The General Assembly of North Carolina do enact :*

Repealed.

SECTION 1. That chapter one hundred and eighty, public laws of eighteen hundred and eighty-five, under the division "sixth district" and under the clause headed "Duplin," and all acts amending the same, be and the same are hereby repealed and the following is substituted therefor: "Duplin, second Monday in March to continue one week; first Monday in September, to continue one week; and the first Monday in December, to continue two weeks.

Time for holding courts.

Processes, to what term returnable.

Sec. 2. That all summons', subpoenas, notices, writs and other papers that have been or may be issued returnable to the February term of Duplin superior court are hereby made returnable to the March term of said court, and any jurors summoned to serve at the February term of said courts shall, on being notified of said change, appear and serve at the March term of said court.

Jurors.

Not affect sales already advertised.

SEC. 3. That this act shall in no way effect [affect] any public sale already advertised to be made at February term of said court.

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

Ratified the 8th day of February, A. D. 1899.

## CHAPTER 195.

## An act to protect the bridge over the Perquimans river at Hertford.

*The General Assembly of North Carolina do enact :*

SECTION 1. That any one riding or driving faster than a walk over the bridge across the Perquimans river at Hertford in the county of Perquimans be guilty of a misdemeanor, and fined or imprisoned or both at the discretion of the court. The county commissioners of said county shall post a copy of this act at each entrance to said bridge.

Fast riding and driving prohibited. Violations—misdemeanor—punishment.

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

Ratified the 8th day of February, A. D. 1899.

## CHAPTER 196.

## An act to protect game in Edgecombe county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any person to hunt upon the lands of another in the county of Edgecombe, with or without gun or dog, except by the consent of the owner first had and obtained in writing.

Hunting—consent in writing.

SEC. 2. That any person offending shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars nor more than twenty-five dollars.

Violations—misdemeanor—punishment.

SEC. 3. That in addition to the fine imposed by the preceding section the owner of the land may recover fifty dollars to his own use against the offender in a civil action.

Recovery in a civil action.

SEC. 4. That this act shall go into effect from and after its ratification.

Ratified the 8th day of February, A. D. 1899.

## CHAPTER 197.

## An act to prohibit fast driving over bridges in Pamlico county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any person to drive faster than a walk over any of the public bridges kept up by the county commissioners of Pamlico

Fast driving prohibited.

Violations—mis-  
demeanor—pun-  
ishment.

SEC. 2. That any person violating this act shall be guilty of a misdemeanor and on conviction fined not less than one dollar nor 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 February, A. D. 1899.

#### CHAPTER 198

An act to correct a grant issued by the state of North Carolina on the twenty-ninth day of October, seventeen hundred and eighty-two, to William Ferebee, of Currituck County.

Preamble.

WHEREAS, the state of North Carolina, on the twenty-ninth day of October, seventeen hundred and eighty-two, issued to William Ferebee, of Currituck, a grant of certain swamp lands in said county; and

WHEREAS, in the entry of said grant in the office of the secretary of state several errors were committed; and

WHEREAS, it appears by the records in the office of the secretary of state that proper proceedings were taken by the court of pleas and quarter sessions of Currituck county at its November term, eighteen hundred and nineteen, for the correction of the errors committed in issuing said grant; and

WHEREAS, only one of said errors has been corrected in the record of said grant:

*The General Assembly of North Carolina do enact:*

Grant corrected.

SECTION 1. That the grant issued to William Ferebee by the state on the twenty-ninth day of October, seventeen hundred and eighty-two, be corrected on the records of the office of the secretary of state as follows, to-wit: Correct the call in said grant as it now stands, "west sixty chains to Hutchins' line," so as to read, "west ten chains to Hutchins' line"; correct the call of "west ten chains to a maple" so as to read "west sixty chains to a maple"; and so corrected, confirm the said grant in the name of William Ferebee, his heirs and assigns, to the extent of any interest the state may have in land described therein.

Grant confirmed.

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

Ratified the 8th day of February, A. D. 1899.

## CHAPTER 199.

An act to authorize the county commissioners of Nash county to levy a special tax in certain stock law territory in that county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the county commissioners of Nash county be and they are hereby authorized to levy a special tax for the year 1899, and each year thereafter, on all taxable real property in any stock law boundary in said county of Nash of not exceeding one per centum on the hundred dollars worth, said boundary to be designated by said commissioners in each and every year. Said tax shall be collected as other taxes and applied by said county commissioners for the purpose of building or repairing fences around such stock territories.

Special tax—  
limit.

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

Ratified the 10th day of February, A. D. 1899.

## CHAPTER 200.

An act to prohibit hunting on any lands in Halifax county except by written consent of owner.

*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any person to hunt upon the lands of another in Halifax county with or without gun or dogs, except by written consent of owner.

Unlawful to  
hunt, etc.

SEC. 2. That any person so offending shall be deemed guilty of a misdemeanor and shall upon conviction be fined not less than five nor more than ten dollars for each and every offense.

Violations—mis-  
demeanor—  
punishment.

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

Ratified the 10th day of February, A. D. 1899.

## CHAPTER 201.

An act to amend chapter one hundred and two, laws of eighteen hundred and seventy-three and eighteen hundred and seventy-four, in regard to drainage of Clark's creek, in Lincoln county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter one hundred and two, section one of public laws of eighteen hundred and seventy three and eighteen hundred and seventy-four, be and the same is hereby amended

Amended.

by striking out of line ten thereof the following words: "Bridge on Clark's creek near James A. Caldwell's," and inserting in lieu thereof the following: "Mouth of Clark's creek at the South Fork river."

SEC. 2. This act shall be in force from and after its ratification. Ratified the 10th day of February, A. D. 1899.

#### CHAPTER 202.

An act to appoint additional justices of the peace in Hyde county.

*The General Assembly of North Carolina do enact:*

Justices of the peace.

SECTION 1. That S. D. Bragg, Joseph O'Neil and William Gaskins be and are hereby appointed justices of the peace for Ocracoke township, in Hyde county, to hold office until December, nineteen hundred and four.

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

Ratified the 10th day of February, A. D. 1899.

#### CHAPTER 203.

An act to correct land grant number three thousand six hundred and forty-one, Henderson county.

*The General Assembly of North Carolina do enact:*

Land grant, etc.

SECTION 1. That land grant number three thousand six hundred and forty-one Henderson county, be and the same is hereby corrected by inserting between the fifth and sixth calls of said grant the words, "thence west forty poles to a stake."

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

Ratified the 10th day of February, A. D. 1899.

#### CHAPTER 204.

An act to elect Gaston Battle a justice of the peace for number seven township, in Edgecombe county.

*The General Assembly of North Carolina do enact:*

Justice of the peace.

SECTION 1. That Gaston Battle be and he is hereby elected a justice of the peace for Edgecombe county, residing in number seven township, and that his term of office shall extend for six years from the first Monday in December, eighteen hundred and ninety-eight.

SEC. 2. That he shall have all the powers and authority now possessed or which may be conferred on justices of the peace. Powers and authority.

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

Ratified the 10th day of February, A. D. 1899.

CHAPTER 205.

An act to regulate hunting in Davidson county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That any person who shall hunt with gun, dogs, net or trap on the lands of another in Davidson county without first having obtained permission in writing from the owner of the lands shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars nor more than twenty-five dollars. Unlawful hunting. Violations—misdemeanor—punishment.

SEC. 2. That all laws and clauses of laws inconsistent with this act are hereby repealed. Conflicting laws repealed.

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

Ratified the 10th day of February, A. D. 1899.

CHAPTER 206.

An act for the relief of Oscar A. Durant, late treasurer of Brunswick county, and his sureties.

WHEREAS, Oscar A. Durant, late treasurer of Brunswick county, had on deposit in the Bank of New Hanover in the city of Wilmington, county of New Hanover, the sum of one thousand four hundred and one and sixty-four one hundredth dollars at the time that said bank closed its doors and quit business as such: and Preamble.

WHEREAS, owing to the insolvency of said bank there remains unpaid eight hundred and twenty-six and ninety-nine one hundredth dollars of the above amount; and

WHEREAS, the said Oscar A. Durant, treasurer aforesaid, has turned over to his successors all money collected by or received by him as treasurer aforesaid 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 Oscar A. Durant, treasurer aforesaid, 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 nineteenth of June, eighteen hundred and ninety-three; now, therefore,

*The General Assembly of North Carolina do enact :*

Relieved—treasurer—official bondsmen.

SECTION 1. That the said Oscar A. Durant, 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 money that the said Oscar A. Durant, treasurer aforesaid, had on deposit in said bank and which said bank by reason of its insolvency has failed to pay: *Provided*, that the said Oscar A. Durant, treasurer aforesaid, shall pay over to the proper person or persons, party or parties entitled by law to receive the same any and all money that may hereafter come into his hands as treasurer aforesaid.

Proviso.

SEC. 2. This act shall be in force from and after its ratification. Ratified the 13th day of February, A. D. 1899.

## CHAPTER 207.

### An act to regulate the bonds of officers of Craven county.

*The General Assembly of North Carolina do enact :*

Craven county.

SECTION 1. That the provision of this act shall apply to Craven county only.

Repealed.

SEC. 2. That chapter two hundred and seventy, public laws of eighteen hundred and ninety-five, be and the same are [is] hereby repealed in so far as it relates to Craven county.

Sheriff—bonds—conditioned.

SEC. 3. The sheriff shall execute three several bonds, payable to the state of North Carolina as follows: One conditioned for the collection, payment and settlement of the county, poor, school and special taxes in a sum double the amount of said taxes for the previous year; one for the collection, payment and settlement of the public taxes as required by law in a sum double the amount of said taxes for the previous year: *Provided*, that the aggregate amount of the said two bonds shall not be required to exceed the sum of forty thousand dollars. And the amount of the third bond for the due execution and return of process, payment of fees and moneys collected and the faithful execution of his office as sheriff shall not be less than five thousand dollars and no more than fifteen thousand dollars in the discretion of the board of county commissioners; and whenever and as often as

Poor, school—special taxes.

Public taxes.

Proviso.

Execution and return of process.

the sheriff shall have collected of the county, school or other local and special taxes a sum equal in amount to three hundred dollars he shall immediately pay the same to the treasurer of the county.

Payments  
of taxes  
to treasurer.

SEC. 4. The county treasurer shall give bond in a sum double the amount of the county revenues for the preceding year.

County treasurer  
—bond.

SEC. 5. The register of deeds shall give bond in a sum of not less than fifteen thousand nor more than twenty thousand dollars in the discretion of the board of commissioners.

Register of deeds  
—bond.

SEC. 6. The clerk of the superior court shall give bond in the sum of not less than fifteen thousand nor more than twenty thousand dollars in the discretion of the board of commissioners.

Clerk superior  
court—bond.

SEC. 7. The coroner shall give bond in the sum of five thousand dollars.

Coroner—bond.

SEC. 8. The constables of the various townships shall give bonds in sums not less than five hundred nor more than five thousand dollars; the amount of bonds by each township constable to be fixed by the board of county commissioners who are hereby authorized to fix different penalties for different townships.

Constables—  
bonds.

SEC. 9. The bonds provided for in this act shall be executed with personal sureties only, who shall be bona fide residents of the state of North Carolina, and who may reside in or out of Craven county as the board of commissioners may determine; and no trust, security, insurance or other company shall be accepted as surety on any of said bonds. That all laws and clauses of laws in conflict with this act are hereby repealed.

Bonds—personal  
sureties only.

Conflicting laws  
repealed.

SEC. 10. This act shall be in force from and after its ratification. Ratified the 13th day of February, A. D. 1899.

## CHAPTER 208.

### An act to amend chapter fifty-seven, laws of eighteen hundred and ninety-seven.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one of chapter fifty-seven of the public laws of the session of eighteen hundred and ninety seven be and the same is hereby amended by striking out the word "ten" in line four of said section and inserting in lieu thereof the words "five nor more that twenty."

Chapter 57, laws  
of 1897, relating to  
public drunk en-  
ness, amended.

SEC. 2. That section two of chapter fifty-seven of the private laws of eighteen hundred and ninety-seven be amended by adding at the end of section two (2) the words "and Madison."

Amended—  
Madison.

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

Ratified the 13th day of February, A. D. 1899.

## CHAPTER 209.

An act to amend chapter two hundred and forty-six of the laws of eighteen hundred and eighty-five.

*The General Assembly of North Carolina do enact:*

Chapter 246, laws of 1885, relating to live stock in Pender county, amended.

Boundaries.

Proviso

Petition—county commissioners—minutes—levy on property of new territory.

Inclosure of territory—notice.

Proviso.

Amended.

Proviso.

Accounting—itemized bill of expenditures.

SECTION 1. That section one of chapter two hundred and forty-six, laws of eighteen hundred and eighty-five, be amended by striking out all after the fourth word "to" on the tenth line to the last word "to" on the thirteenth line and insert in lieu thereof the following, to wit: The right of way near Rattan trestle and then up the right-of-way on west side of railroad to Futrell's north line; thence with Futrell's north line and the south line of S. Allen eastwardly; and by adding to said section the following: *Provided*, that should the land owners of any adjoining territory desire the benefits of this act they may be included by petition to the county commissioners specifically describing the proposed new boundary and signed by a majority of the land owners of the new territory proposed to be added or included, upon which fact the county commissioners of Pender county shall have power to pass. And if said petition be found to contain a majority of the said land owners it shall be approved and spread upon their minutes, and it shall then be the duty of the said county commissioners to levy upon the real estate of said new territory sufficient tax to build the fence necessary to inclose the same, which tax shall be levied, collected and disbursed as other taxes provided for in chapter two hundred and forty-six, laws of eighteen hundred and eighty five. And after the said new territory has been inclosed by sufficient fence and ten days' notice given thereof, all the provisions and restrictions of said chapter two hundred and forty-six shall apply thereto: *Provided*, that any land owner of said new territory shall have the right to file exceptions to the findings of the board of county commissioners and appeal to the superior court as from a judgment of a justice of the peace, after filing an approved bond for payment of the cost of said appeal.

SEC. 2. That section two of said act be amended by striking out the second, third and fourth words on sixth line, "during good behavior" and insert in lieu thereof "two years," and by adding to said section the following proviso, to-wit: *Provided*, that the board of county commissioners of Pender county shall elect a board of three fence commissioners from the land owners of this stock law territory on the first Monday in June, nineteen hundred, and every two years thereafter.

SEC. 3. That section three of said act be amended by adding to said section after the last word thereof the following, to-wit:

Who shall under oath specifically account for the same in each annual report and file with the board of county commissioners an itemized bill of all expenditures on account of said fence, which shall be subject to the approval of the board of county commissioners and be entered on their minutes.

Approval by commissioners—entered upon minutes.

SEC. 4. That section seven of said chapter two hundred and forty-six be amended by adding thereto the following proviso, to-wit: *Provided*, that any person who pays said fence tax may bring the action in the name of the state.

Proviso.

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

Ratified the 13th day of February, A. D. 1899.

## CHAPTER 210.

An act to amend chapter two hundred and thirty-five of the public laws of eighteen hundred and ninety-seven

*The General Assembly of North Carolina do enact:*

SECTION 1. That section two of chapter two hundred and thirty five of the public laws of eighteen hundred and ninety-seven be stricken out and the following substituted: "Sec. 2. On the first Monday in March, eighteen hundred and ninety nine, or as soon thereafter as practicable and annually thereafter, the members of the board of commissioners of Cumberland county, the mayor and the board of audit and finance of the city of Fayetteville shall in joint session elect three suitable residents of Cumberland county, who when so elected shall constitute the dispensary board for Cumberland county; but the mayor who shall preside at such meetings shall not vote except in case of a tie. The compensation of the members of said dispensary board shall be one per centum to each of the net proceeds. All vacancies in the dispensary board shall be filled by the joint votes of the county commissioners and the mayor and board of audit and finance in meeting assembled."

Chapter 235, laws of 1897 relating to sale of liquor in Cumberland county. Dispensary board, how, when and by whom elected.

Mayor—vote only in case of tie.

Compensation of members of dispensary board. Vacancies, how filled.

SEC. 2. That section three of said chapter two hundred and thirty-five of the public laws of eighteen hundred and ninety-seven be amended as follows: Strike out the first five lines of said section three down to and including the word "liquors" on the sixth line and substitute the following for said lines: "The dispensary board of Cumberland county shall establish one dispensary in the city of Fayetteville, which shall be the only dispensary in Cumberland county for the sale of spirituous, vinous and malt liquors." Strike out the word "each" in the seventh line

Dispensary in Fayetteville the only one in Cumberland county.

of said section three and substitute the word "said" before the word "dispensary."

Various amend-  
ments.

SEC. 3. That section four of said chapter two hundred and thirty-five be amended by striking out the words "and furnish" in line four down to and including the word "board" in line five; and striking out all of said section four between the word "Fayetteville" in the eighth line and the words "said manager" in the fourteenth line. Strike out the words "the said treasurer" in the seventeenth line and insert in lieu thereof the following words: "The treasurer of the city of Fayetteville and of the county of Cumberland one-half to each." Strike out the word "with" at the end of the seventeenth line and insert after the word "made" in the eighteenth line the following words: "Shall be filed monthly with the treasurer of Cumberland county and shall be kept by months by said treasurer." In the nineteenth line of said section four change the word "treasurer" to "treasurers." Strike out the words "the same" and insert the words "of all moneys received from the dispensary." Strike out all after the word "same" in the nineteenth line beginning with the word "references" in said line and including the remainder of said section four.

Amended.

SEC. 4. Amend section seven of said chapter two hundred and thirty-five by adding after the word "excess" in the ninth line of said section the following: "or if he knows that the liquor applied for is intended for the use of any such person."

Amended.

SEC. 5. Amend section eight of said chapter two hundred and thirty-five by striking out all of said section after the word "monthly" in the sixth line thereof and adding after said word "monthly" the following: "the authorities of the county of Cumberland and of the city of Fayetteville shall exercise due diligence to enforce the provisions of this act."

Amended.

SEC. 6. Amend section ten of said chapter two hundred and thirty five by adding the words "from what person, firm or corporation procured, together [with] the price per gallon (or otherwise as the case may be)" between the word "procured" and the word "the" in the sixth line of said section.

Meaning of dis-  
penser and man-  
ager.

SEC. 7. Amend section thirteen of said chapter two hundred and thirty-five by adding thereto the following: "For the purposes of this act the words 'dispenser' and 'manager of the county dispensary' shall mean the same thing, and the word 'clerk' shall mean any person other than the dispenser employed in the dispensary."

Conflicting laws  
repealed.

SEC. 8. All laws and parts of laws in conflict with this act are hereby repealed, and this act shall be in full force and effect from and after its ratification.

Ratified the 18th day of February, A. D. 1899.

CHAPTER 211.

An act to amend chapter two hundred and seventy-seven of the public laws of eighteen hundred and ninety-five.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter two hundred and seventy seven of the public laws of eighteen hundred and ninety five be and the same is hereby amended by striking out the word "two" in lines fifth and ninth of the first section thereof and putting in lieu thereof the word "one."

Chapter 277, laws of 1895, relating to divorce, amended. Abandonment by husband one year sufficient cause for divorce  
Separations to which it applies.

SEC. 2. That said chapter be further amended by striking out of section two thereof the following words: "This act shall not apply to any separation that may occur after the passage of this act" and putting in lieu thereof the following: "That this act shall apply to all abandonments which occurred prior to January first, eighteen hundred and ninety-nine, but to none occurring thereafter."

Application of amendment.

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

Ratified the 13th day of February, A. D. 1899.

CHAPTER 212.

An act to pay to C. M. Rogers, late sheriff of Granville county, eighty-nine (\$89.02) and two one-hundredth dollars, amount overpaid by him to the state treasurer of North Carolina, in settlement of the taxes due the state for the year eighteen hundred and ninety.

*The General Assembly of North Carolina do enact :*

SECTION 1. That C. M. Rogers, late sheriff of Granville county, be paid the sum of eighty-nine (\$89.02) and two one hundredth dollars by the state treasurer, money overpaid by him to the state treasurer of North Carolina in the settlement of his state taxes for the year eighteen hundred and ninety.

Refund to sheriff of Granville county.

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

Ratified the 13th day of February, A. D. 1899.

CHAPTER 213.

An act to direct the treasurer of Haywood county to pay school fund to Ida V. Love.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the treasurer of Haywood county is hereby authorized and directed to pay Ida V. Love (col.) sixteen dollars out of the first money due district number one, school seven, col-

Relief of Ida V. Love.

ored race, for services rendered as teacher for the year eighteen hundred and ninety seven.

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

Ratified the 13th day of February, A. D. 1899.

#### CHAPTER 214.

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

*The General Assembly of North Carolina do enact :*

Relief of Minnie  
L. Ford

SECTION 1. That the treasurer of Gaston county is hereby authorized to pay Miss Minnie L. Ford the sum of eight dollars and seventy five cents, balance due her as teacher in district number four (4), white race, for the year eighteen hundred and ninety-seven out of any money that is now or may hereafter become due said district.

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

Ratified the 13th day of February, A. D. 1899.

#### CHAPTER 215.

**An act for the relief of William B. Reeves, a public school teacher of Ashe county.**

*The General Assembly of North Carolina do enact :*

Relief.

SECTION 1. That the treasurer of Ashe county is hereby authorized, empowered and required to pay William B. Reeves the sum of sixteen dollars and sixty two cents (\$16.62), the balance due him as a teacher of the public school for the white race in district number one, section number one (Peak Creek township) for the year eighteen hundred and ninety-eight, out of the money due said district for the year eighteen hundred and ninety-nine: *Provided*, the said William B. Reeves shall procure an order on said treasurer from the committee of said district.

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

Ratified the 13th day of February, A. D. 1899.

## CHAPTER 216.

**An act to authorize and direct the state treasurer to pay the mileage and per diem of the newly appointed directors of the State Prison.**

*The General Assembly of North Carolina do enact :*

SECTION 1. That the public treasurer of the state of North Carolina be and he is hereby authorized and directed to pay out of any fund in the treasury not otherwise appropriated the mileage and per diem of the newly appointed directors of the State's Prison as follows: J. L. Gwaltney, three days, three hundred and sixty-two miles, thirty dollars and ten cents; M. F. Morphew, three days, four hundred and sixty miles, thirty five dollars; W. H. Osborn, three days, one hundred and sixty-two miles, twenty dollars and ten cents; L. M. Bryan, three days, six hundred miles, forty-two dollars; J. W. Perry, three days, seventy two miles, fifteen dollars and sixty cents; J. H. Weddington, three days, three hundred and fifty four miles, twenty nine dollars and seventy cents; B. W. Ballard, four days, fifty-four miles, eighteen dollars and seventy cents; James T. LeGrand, three days, two hundred and six miles, twenty-two dollars and thirty cents; A. B. Young, three days, three hundred and ten miles, twenty-seven dollars and fifty cents; W. C. Newland, three days, four hundred and twenty miles, thirty-three dollars; James C. Davis, three days, three hundred miles, twenty-seven dollars; R. R. Cotton, three days, three hundred miles, twenty-seven dollars; S. L. Rogers, three days, six hundred and eighty-two miles, fifty dollars and ten cents; B. H. Thompson, three days, four hundred and eighty miles, thirty-six dollars.

Mileage, etc.,  
of directors of  
State's Prison.

SEC. 2. That the auditor of the state be and he is hereby authorized and directed to draw his warrant upon the said treasurer in favor of each of said directors for the amount directed to be paid him in the first section of this act.

Warrant of  
auditor.

SEC. 3. This act shall be in force from and after its ratification. Ratified the 15th day of February, A. D. 1899.

## CHAPTER 217.

**An act to reduce the toll rates of the Brunswick Bridge and Ferry Company.**

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter forty-five of the private laws of eight hundred and ninety-five, entitled "An act to amend the charter of the Brunswick Bridge and Ferry Company" be and the same is hereby amended as follows, to-wit: Amend section one of

Chapter 45,  
private laws of  
1895, relating to  
toll rates of  
Brunswick  
Bridge and Ferry  
Company,  
amended.

said act by striking out the words "four cents" in the ninth and twelfth lines of said section and inserting in lieu thereof the words "three cents," and by striking out the words "two and a half cents" in the fifteenth line of said section and inserting in lieu thereof the words "one and seven-eighth cents," and by striking out the words "five dollars" in the last line of said section and inserting in lieu thereof the words "two and a half dollars."

Reduction in rates of ferriage.

SEC. 2. That from and after the passage of this act said Brunswick Bridge and Ferry Company or its officers shall make a reduction of at least twenty-five per centum below the ferriage rates or prices for ferriage now legally charged by said company on persons, horses, mules, cattle, sheep and any and all other animals, vehicles and everything else that may cross or be conveyed over the Brunswick bridge or over the ferry of said company.

Copy of ferriage rates shall be kept.

SEC. 3. That said company shall keep a copy of their ferriage rates or prices for ferriage posted in a conspicuous place at or near their office on the west side of Cape Fear river.

Violation of this act a misdemeanor.  
Penalty

SEC. 4. That if said company or its agents or officers or employees or servants shall fail to comply with this act they and each and every one of them shall be guilty of a misdemeanor and punished by fine or imprisonment in the discretion of the court.

Collection of excessive rates.

SEC. 5. That any agent, officer, manager, employee or any other person who shall collect or attempt to collect from any other person a higher rate or greater amount than is allowed by this act shall be guilty of a misdemeanor and fined or imprisoned in the discretion of the court.

Misdemeanor.  
Penalty.

Jurisdiction of superior court to hear matters arising from violation of this act.

SEC. 6. That the superior courts of New Hanover and Brunswick counties or the courts having general criminal jurisdiction in either of said counties shall have the jurisdiction to hear, try and determine any indictment under this act, and to render judgment as in other criminal cases, and any justice of the peace of either of said counties may upon proper affidavit issue his warrant for preliminary examination and bind over to the proper court persons charged with the violation of this act.

Intention of act not to waive right of action.

SEC. 7. That this act is not intended to operate as a waiver of any rates or privileges or rights of action against said Brunswick Bridge and Ferry Company on behalf of the state or of the public or of any private individual, and this act is not intended to repeal chapter forty five of the private laws of eighteen hundred and ninety-five as amended by chapter one hundred and fifty-nine of the private laws of eighteen hundred and ninety-five, or to amend or alter or modify any provision of either of said acts.

except in so far as they are expressly amended or supplemented by this act.

SEC. 8. This act shall be in force from and after its ratification. Ratified the 16th day of February, A. D. 1899.

CHAPTER 218.

An act to amend the constitution of North Carolina.

*The General Assembly of North Carolina do enact :*

SECTION 1. That article six of the constitution of North Carolina be and the same is hereby abrogated, and in lieu thereof shall be substituted the following article of said constitution. Article VI of the constitution of North Carolina be abrogated.

ARTICLE VI.

SUFFRAGE AND ELIGIBILITY TO OFFICE—QUALIFICATIONS OF AN ELECTOR. Substitute for Article VI.

(Section 1.) Every male person born in the United States and every male person who has been naturalized, twenty-one years of age and possessing the qualifications set out in this article, shall be entitled to vote at any election by the people in the state except as herein otherwise provided. Persons entitled to vote.

(Sec. 2.) He shall have resided in the state of North Carolina for two years, in the county six months and in the precinct, ward or other election district in which he offers to vote four months next preceding the election: *Provided*, that removal from one precinct, ward or other election district to another in the same county shall not operate to deprive any person of the right to vote in the precinct, ward or other election district from which he has removed until four months after such removal. No person who has been convicted or who has confessed his guilt in open court upon indictment of any crime, the punishment of which now is or may hereafter be imprisonment in the State Prison, shall be permitted to vote unless the said person shall be first restored to citizenship in the manner prescribed by law. Qualifications for voters.  
Proviso.  
Persons convicted of felony unless restored to citizenship shall not vote.

(Sec. 3.) Every person offering to vote shall be at the time a legally registered voter as herein prescribed and in the manner hereafter provided by law, and the general assembly of North Carolina shall enact general registration laws to carry into effect the provisions of this article. Voters shall be legally registered.

(Sec. 4.) Every person presenting himself for registration shall be able to read and write any section of the constitution in the English language, and before he shall be entitled to vote he shall Qualifications for persons presenting themselves for registration.

have paid on or before the first day of March of the year in which he proposes to vote his poll tax as prescribed by law for the previous year. Poll taxes shall be a lien only on assessed property and no process shall issue to enforce the collection of the same except against assessed property.

No persons entitled to vote prior to January 1st, 1867, or their lineal descendants shall be debarred from voting.

(Sec. 5.) No male person who was on January one, eighteen hundred and sixty-seven, or at any time prior thereto entitled to vote under the laws of any state in the United States wherein he then resided, and no lineal descendant of any such person, shall be denied the right to register and vote at any election in this state by reason of his failure to possess the educational qualification prescribed in section four of this article: *Provided*, he shall have registered in accordance with the terms of this section prior to December one, nineteen hundred and eight. The general assembly shall provide for a permanent record of all persons who register under this section on or before November first, nineteen hundred and eight; and all such persons shall be entitled to register and vote in all elections by the people in this state unless disqualified under section two of this article: *Provided*, such persons shall have paid their poll tax as required by law.

Proviso.

Permanent record of persons who register prior to November 1st, 1908, to be provided for.

Proviso.

All elections by the people by ballot. By the general assembly viva voce. Eligibility to office.

(Sec. 6.) All elections by the people shall be by ballot and all elections by the general assembly shall be viva voce.

Oath of office.

(Sec. 7.) Every voter in North Carolina except as in this article disqualified shall be eligible to office, but before entering upon the duties of the 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 as ----- So help me, God."

Persons disqualified for office.

(Sec. 8.) 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 or confessed their guilt on indictment pending and whether sentenced or not or under judgment suspended of any treason or felony or of any other crime for which the punishment may be imprisonment in the penitentiary since becoming citizens of the United States, or of corruption and malpractice in office, unless such person shall be restored to the rights of citizenship in a manner prescribed by law.

When effective.

SEC. 2. That all of the provisions of the constitution relating to suffrage, registration and elections as contained in this act amending the constitution shall go into effect on the first day of July, nineteen hundred and two, if a majority of the qualified voters of the state so declare at the next general election.

SEC. 3. This amendment shall be submitted at the next gen-

eral election to the qualified voters of the state in the same manner and under the same rules and regulations as is provided in the law regulating general elections in this state and in force May first, eighteen hundred and ninety-nine, and at said election those persons desiring to vote for such amendment shall cast a written or printed ballot with the words "For suffrage amendment" thereon; and those with a contrary opinion shall cast a written or printed ballot with the words "Against suffrage amendment" thereon.

Amendment shall be submitted to the qualified voters of the next general election.

Form of ballots for and against amendment.

SEC. 4. The said election shall be held and the votes returned, compared, counted and canvassed and the result announced under the same rules and regulations as are in force for returning, comparing, counting and canvassing the votes for members of the general assembly May first, eighteen hundred and ninety-nine, and if a majority of the votes cast are in favor of the said amendment, it shall be the duty of the governor of the state to certify said amendment under the seal of the state to the secretary of state, who shall enroll the said amendment so certified among the permanent records of his office.

When and how the vote shall be announced.

If for amendment the result shall be certified by the governor and enrolled by the secretary of state.

SEC. 5. This act shall be in force from and after its ratification. Ratified the 21st day of February, A. D. 1899.

CHAPTER 219.

An act to authorize the school committee of Rutherford school district, Rutherford county, to pay a back claim.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the treasurer of Rutherford county be authorized to pay Captain W. T. R. Bell fifty dollars, salary due him as principal of the public school in Rutherfordton district number one for white children, same being for services rendered under contract with said district committee from the eighth day of December, eighteen hundred and ninety-six to the twenty-third day of December, eighteen hundred and ninety-six, same to be paid out of any public school funds apportioned to said district in the school year beginning July first, eighteen hundred and ninety-nine.

Treasurer of Rutherford county authorized to pay Captain W. T. R. Bell fifty dollars, salary due him.

To be paid out of public school fund of said district.

SEC. 2. This act shall be in force from and after its ratification. Ratified the 22d day of February, A. D. 1899.

## CHAPTER 220.

An act to abolish the "chain gang" system in Madison county.

*The General Assembly of North Carolina do enact :*

Sections 34 and 35 of chapter 90, public laws of North Carolina of 1895, repealed Sections 1, 2, 3 and 4 of chapter 355 public laws of North Carolina, shall not apply to Madison county.

Persons sentenced to work on chain-gang may be sent to other counties.

Former commitments not affected.

<sup>895</sup><sub>220</sub>SECTION 1. That section thirty-four (34) and thirty-five (35) of chapter ninety (90) of the public laws of North Carolina of eight-hundred and ninety-five are hereby repealed.

SEC. 2. That section one (1), two (2), three (3) and four (4) of chapter three hundred and fifty five (355) of the public laws of North Carolina of eighteen hundred and eighty seven shall not apply to Madison county.

<sup>895</sup><sub>220</sub>SEC. 3. That hereafter all persons convicted of crimes for which they may be sentenced to work on the "chain gang" under existing law may be sentenced to work on the "chain gang" of any other county where proper provision has been made for working convicts on the public roads.

SEC. 4. That this act shall not affect in any way sentences of prisoners who have heretofore been committed to the "chain gang" of Madison county.

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

Ratified the 22d day of February, A. D. 1899.

## CHAPTER 221.

An act for the relief of J. P. Leach, late sheriff of Montgomery county.

*The General Assembly of North Carolina do enact :*

Commissioners of Montgomery county authorized to pay J. P. Leach \$75.21, overpaid in settlement.

To be paid out of public school fund.

SECTION 1. That the board of commissioners of Montgomery county, North Carolina, is hereby authorized and directed to pay to J. P. Leach, late sheriff of said county, the sum of seventy-five dollars and twenty-one cents, the said amount having been overpaid by him in settlement of fines and forfeitures during the term of his office as sheriff of said county by mutual mistake of the parties to such settlement. That said amount be paid out of the public school fund of said county.

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

Ratified the 22d day of February, A. D. 1899.

CHAPTER 222.

An act to pay various school claims in the county of Surry, out of school fund ---- of said county.

WHEREAS, by reason of certain allowances made by the board of education of Surry county and by reason of mistakes heretofore made by said board there is found to be a deficiency of school fund in said county; and

Preamble.

WHEREAS, the unsettled vouchers are found to be about one thousand six hundred dollars in excess of the money in the hands of the treasurer; and

Deficiency in school fund.

WHEREAS, the board of education of Surry county at its meeting on the first Monday in January, eighteen hundred and ninety-nine, set apart the sum of one thousand dollars of the school fund for the present year to be applied in part settlement of said vouchers; therefore

*The General Assembly of North Carolina do enact :*

SECTION 1. That the treasurer of Surry county be and is hereby authorized and is empowered to apply said money, to-wit: The said sum of one thousand dollars to the settlement of said vouchers as aforesaid.

Treasurer of Surry county authorized to apply \$1 000 to settlement of unpaid vouchers.

SEC. 2. That the board of education of said county is hereby authorized and directed to apply so much of the school funds due the county of Surry to be apportioned by the board of education on the first Monday in January, nineteen hundred, as shall be necessary to extinguish said deficiency.

Board of education of Surry county authorized to apply sufficient money to liquidate unpaid claims.

SEC. 3. That no part of the above-named money shall be paid for vouchers given for school charts.

No part shall be applied for payment of school charts.

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

Ratified the 22d day of February, A. D. 1899.

CHAPTER 223.

An act for the relief of Miss Mollie V. Britt.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the treasurer of Robeson county is hereby directed to pay to Miss Mollie V. Britt the sum of eighteen dollars out of any funds now or hereafter due school district number twelve in said county due her as a balance of salary for teaching in said district during the year eighteen hundred and ninety-eight.

Treasurer of Robeson county authorized to pay Miss Mollie V. Britt \$18, due as a balance of salary.

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

Ratified the 22d day of February, A. D. 1899.

## CHAPTER 224.

**An act for the relief of B. F. Wilder, ex-treasurer of Franklin county.**

Preamble.

WHEREAS, at the time of the failure of the Bank of Louisburg B. F. Wilder, who was then treasurer of Franklin [county] had on deposit in said bank funds belonging to said county in the sum of one thousand two hundred and thirty eight dollars; and

Preamble continued.

WHEREAS, the former board of county commissioners of said county in a subsequent settlement with said treasurer allowed him full credit for all of the money belonging to the county lost by reason of the failure of said Bank of Louisburg, and accepted from the president of said bank certain collateral to indemnify the county from loss; and

Preamble continued.

WHEREAS, a question has been raised by the present board of county commissioners as to the power of the said former board of county commissioners to so exonerate the said Wilder, and a suit is now pending in Franklin superior court to determine said question; now, therefore,

*The General Assembly of North Carolina do enact :*

Action of former board of commissioners of Franklin county validated and B. F. Wilder relieved of liability.

SECTION 1. That the action of said former board of county commissioners of Franklin county is hereby validated in all respects and the said B. F. Wilder is relieved of any and all liability for the loss of the funds of Franklin county by reason of the failure of the Bank of Louisburg.

Pending suit abated.

SEC. 2. That said suit now pending in Franklin county do abate and that said Wilder pay the costs thereof.

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

Ratified the 22d day of February, A. D. 1899.

## CHAPTER 225.

**An act to amend chapter sixty-five of the public laws of eighteen hundred and ninety-five.**

*The General Assembly of North Carolina do enact :*

Section 3, chapter 65, public laws of 1895, as applying to Davie, Bladen and Granville counties, repealed. Relates to protection of travellers along public roads from barb wire fences.

SECTION 1. That as much of section three, chapter sixty-five, public laws of eighteen hundred and ninety-five, as applies to Davie, Bladen and Granville counties be and the same is hereby repealed.

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

Ratified the 22d day of February, A. D. 1899.

## CHAPTER 226.

An act to repeal chapter three hundred [and] thirty of the public laws of eighteen hundred and ninety-five, entitled "An act to compel timber-getters in Tyrrell county to establish their lines before cutting timber."

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter three hundred and thirty of the public laws of eighteen hundred and ninety-five be and the same is hereby repealed. Chapter 330, public laws of 1895, repealed

SEC. 2. That this act take effect from and after its ratification. Ratified the 22d day of February, A. D. 1899.

## CHAPTER 227.

An act to repeal chapter fifty, public acts of eighteen hundred and ninety-five, and chapter eighty-two, public acts of eighteen hundred and ninety-five, being acts relating to townships and precincts in Forsyth county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapters fifty and eighty-two of the public acts of eighteen hundred and ninety-five be and the same are hereby repealed. Chapters 50 and 82, public acts of 1895, repealed. Former township boundary restored.

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

SEC. 3. This act shall be in force from and after its ratification. Ratified the 22d day of February, A. D. 1899. Conflicting acts repealed.

## CHAPTER 228.

An act to repeal chapter three hundred and eighty-one, public laws of eighteen hundred and ninety-five, and to re-enact the provisions of chapter four hundred and seventy-five, public laws of eighteen hundred and ninety-three.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter three hundred and eighty-one of the public laws of eighteen hundred and ninety-five is hereby repealed. Chapter 381, public laws of 1895, repealed, relating to sale of un-mixed juice of apples and grapes in Robeson county.

SEC. 2. That the provisions of chapter four hundred and seventy-five, public laws of eighteen hundred and ninety-three, and any act relative to the sale of grape juice, wine or cider in Robe-

Such provisions of chapter 475, public laws of 1893, as were effected by chapter 381, public laws of 1895, re-enacted.

Conflicting laws repealed.

son county which were in any manner effected by the act mentioned in section one above are hereby re-enacted so that they shall be in full force and effect in the same manner and to the same extent as they existed on January first, eighteen hundred and ninety-five: *Provided*, that this act shall not have the effect of repealing the amendment to said chapter four hundred and seventy-five, public laws of eighteen hundred and ninety-three, as contained in chapter two hundred and seventy-three, public laws of eighteen hundred and ninety five.

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 22d day of February, A. D. 1899.

#### CHAPTER 229.

##### An act for the relief of Annette G. Hooper.

*The General Assembly of North Carolina do enact:*

Treasurer of Robeson county directed to pay Annette G. Hooper \$28 due for teaching.

SECTION 1. That the treasurer of Robeson county is hereby directed to pay to Annette G. Hooper the sum of twenty-eight dollars out of any funds now or hereafter due school district number twelve in said county, due her for teaching in said district during the year eighteen hundred and ninety eight.

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

Ratified the 22d day of February, A. D. 1899.

#### CHAPTER 230.

##### An act to provide for the payment of certain moneys to Miss L. L. Holt, of Johnston county.

*The General Assembly of North Carolina do enact:*

Treasurer of Johnston county authorized to pay Miss L. L. Holt \$57.40 due for teaching.

SECTION 1. That the treasurer of Johnston county be and is hereby authorized, empowered and directed to pay to Miss L. L. Holt of said county the sum of thirty-seven and forty one-hundredth dollars out of the public school fund of said county accruing to district number eighty-six, white race, for services rendered by her in teaching school in said district, and her receipt shall constitute a sufficient voucher therefor.

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

Ratified the 22d day of February, A. D. 1899.

## CHAPTER 231.

An act to authorize the payment of public school teachers in Halifax county for services rendered in eighteen hundred and ninety-seven.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the treasurer of Halifax county be and he hereby is authorized and directed to pay out of the general school fund of said county all unpaid teachers' vouchers now held by persons who taught in the public schools of said county between the (1st) first day of January, eighteen hundred and ninety seven, and the (1st) day of July, eighteen hundred and ninety-seven, for services rendered between said dates: *Provided*, that said vouchers are duly and legally issued, signed and countersigned in the manner and by the officers required by the law in force at that time.

Treasurer of Halifax county authorized to settle unpaid teachers' vouchers, held by persons who taught in public schools between certain dates.  
Proviso.

SEC. 2. That this act shall be in force from its ratification.  
Ratified the 22d day of February, A. D. 1899.

## CHAPTER 232.

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

*The General Assembly of North Carolina do enact :*

SECTION 1. That the treasurer of Randolph county be and he is hereby authorized and directed to pay to D. M. Weatherly out of the public school money of said county the sum of one hundred and twenty dollars as the remainder due him for teaching a public school in said county in the year eighteen hundred and ninety-six.

The treasurer of Randolph county authorized to pay D. M. Weatherly \$120 due for teaching.

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

Ratified the 22d day of February, A. D. 1899.

## CHAPTER 233.

An act to fix the salary of county treasurer of Buncombe county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the county treasurer of Buncombe county shall receive as a compensation in full for all services required of him the sum of one hundred dollars per month for each month during his term of office.

The salary of the county treasurer of Buncombe county fixed at \$100 per month.

The salary to be paid out of county and public school funds, each to bear its pro rata part.

SEC. 2. That the salary of county treasurer as provided for in section one of this act shall be paid out of the funds belonging to the county and the fund belonging to the public schools, each fund to bear its pro rata part.

SEC. 3. That this act shall be in effect from and after the first Monday of December, Anno Domini nineteen hundred, and shall apply only to the county of Buncombe.

Conflicting laws repealed.

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

Ratified the 22d day of February, A. D. 1899.

#### CHAPTER 234.

An act to extend the time for laying off and building the road provided for in chapter three hundred and sixty-four of the public laws of eighteen hundred and ninety-three.

*The General Assembly of North Carolina do enact:*

Extension of time for building road provided for in chapter 364, public laws of 1893, referring to road in Wilkes and Ashe counties.

SECTION 1. That the board of commissioners have two years from the passage of this act to lay off, change and make the road provided for in chapter three hundred and sixty-four of the public laws of eighteen hundred and ninety-three.

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

Ratified the 22d day of February, A. D. 1899.

#### CHAPTER 235.

An act relative to the probate of deeds and other instruments, and the private examination of married women.

*The General Assembly of North Carolina do enact:*

Deeds of conveyance and contracts which are required by law to be registered in the office of register of deeds, before whom they may be proven or acknowledged.

SECTION 1. That the execution of all deeds of conveyance, contracts to buy, sell or convey lands, mortgages, deeds of trust, assignments, powers of attorney, covenants to stand seized to the use of another, leases for more than three years, releases and any and all instruments and writings of whatsoever nature and kind which are required or allowed by law to be registered in the offices of the register of deeds of this state or which may hereafter be required or allowed by law to be so registered may be proven or acknowledged before any one of the following officials of this state: The several justices of the supreme court, the several judges

of the superior court, commissioners of affidavits appointed by the governor of this state, the clerk of the supreme court, the several clerks of the superior court, the deputy clerks of the superior courts, the several clerks of the criminal courts, notaries public, and the several justices of the peace.

SEC. 2. The several clerks of the superior courts shall be held responsible for the acts of their deputies authorized by this act, and said deputies shall be subject in all respects to all the laws, applicable to the proof and acknowledgment of instruments, which apply to the clerks.

Clerks of superior courts responsible for acts of deputies. Laws to which deputies are subject.

SEC. 3. That each clerk of a superior court shall make a record of the appointment of such deputy or deputies as he may appoint on the special proceedings docket of his court, giving the name of such appointee or appointees and the date of such appointment or appointments and make a cross-index of the same, and shall furnish to the register of deeds of his county a transcript of such record; and such register of deeds shall record the same in the records of deeds in his office and make a cross-index thereof on the general index in his office. Whenever any such deputy clerk shall be removed from his office or employment the clerk of the superior court by whom he was appointed or employed shall write on the margin of the record of such appointment in his office, and on the margin of the record of such appointment in the office of the register of deeds, the word "revoked" and the date of such revocation, and sign his name thereto. A duly certified copy of such appointment and of such revocation, under the hand and official seal of the register of deeds, shall be deemed prima facie evidence of the regularity of such appointment and revocation, and shall be admitted as evidence in all the courts of this state.

Clerks of superior court shall make a record of deputies appointed by them.

Appointment of deputy clerks shall be recorded by register of deeds.

When deputy is removed clerk and register shall make record.

Certified copy under hand and official seal prima facie evidence of appointment and revocation.

SEC. 4. If the proof of acknowledgment of any instrument shall be had before a justice of the peace of any county in this state other than the county in which such instrument is offered for registration, the certificate of proof or acknowledgment made by such justice of the peace shall be accompanied by the certificate of the clerk of the superior court of the county in which said justice of the peace resides, that such justice of the peace was at the time his certificate bears date an acting justice of the peace of such county, and that such justice's general signature is set to his certificate. The certificate of the clerk of the superior court herein provided for shall be under his hand and official seal.

Proof of acknowledgment of instrument before justice of the peace in county other than in which such instrument is offered.

Certificate of clerk of superior court

SEC. 5. That the execution of all such instruments and writings as are named and referred to in section one of this act may be proven or acknowledged before any one of the following officials of the United States, of the District of Columbia, of the several states and territories of the United States, of countries

Officials before whom such instruments may be proven or acknowledged.

under the dominion of the United States and of foreign countries: any judge of a court of record, any clerk of a court of record, any notary public, any mayor or chief magistrate of an incorporated town or city, any ambassador, minister, consul or commercial agent of the United States. And the execution of all such instruments as are named and referred to in section one of this act may be proven or acknowledged before any justice of the peace of any state or territory of the United States. If the proof or acknowledgment of the execution of an instrument be had before a justice of the peace of any state of the United States other than this state or of any territory of the United States, the certificate of such justice of the peace shall be accompanied by a certificate of the clerk of some court of record of the county in which such justice of the peace resides, which certificate of the clerk shall be under his hand and official seal, to the effect that such justice of the peace was at the time the certificate of such justice bears date an acting justice of the peace of such county and state or territory and that the genuine signature of such justice of the peace is set to such certificate.

The proof or acknowledgment of execution of instrument before justice of the peace of another state or territory must be accompanied by certificate of clerk of some court of record of the county in which such justice resides, etc.

Officials authorized in this act may make private examination of married women touching their free and voluntary assent to instruments.

SEC. 6. When the private examination of any married woman is necessary to be taken the officials authorized by this act to take proofs and acknowledgments of the execution of any instrument are, each and every one of them, hereby empowered to take the private examination of any married woman touching her free and voluntary assent to the execution of such instrument to which her assent is or may be necessary, and to certify the fact of such private examination.

Proof of acknowledgments before official other than clerk or deputy clerk, shall be examined before registration.

SEC. 7. That whenever the proof or acknowledgment of the execution of any instrument named or referred to in section one of this act is had before any other official than the clerk or deputy clerk of the superior court of the county in which such instrument is offered for registration, the clerk or deputy clerk of the superior court of the county in which the instrument is offered for registration shall, before the same shall be registered, examine the certificate or certificates of proof or acknowledgment appearing upon the instrument, and if it shall appear that the instrument has been duly proven or acknowledged and the certificate or certificates to that effect are in due form he shall so adjudge and shall order the instrument to be registered together with the certificates: *Provided*, that if the clerk of the superior court is a party to or interested in such instrument such adjudication and order of registration shall be made by his deputy or by the clerk of the superior court of some other county of this state, or by some justice of the supreme court of this state or some judge of the superior court of this state. The form of the adjudication and order shall be substantially as follows:

Proviso  
When clerk interested, by whom order shall be made.

Form of order.

The foregoing (or annexed) certificate of (here give name and official title of the officer signing the certificate passed upon) is adjudged to be correct. Let the instrument and the certificate be registered.

This \_\_\_\_ day of \_\_\_\_\_, A. D. \_\_\_\_

\_\_\_\_\_ (Signature of officer.)

SEC. 8. That when an instrument purports to have been executed by a married woman no clerk or deputy clerk of the superior court shall adjudge any certificate of her acknowledgment and private examination to be in due form or order the instrument to be registered unless the private examination of such married woman is taken according to the laws of this state, and a certificate thereof attached to the instrument, the form of which certificate shall be in substance as follows:

Private examination of married women must be regularly conducted before acknowledgment is adjudged.

I, (here give name of the official and his official title) do hereby certify that (here give name of the married woman who executed the instrument), wife of (here give husband's name), personally appeared before me this day and acknowledged the due execution of the foregoing (or annexed) instrument; and the said (here give married woman's name), being by me privately examined, separate and apart from her said husband, touching her voluntary execution of the same, doth state that she signed the same freely and voluntarily, without fear or compulsion of her said husband or any other person, and that she doth still voluntarily assent thereto.

Form of certificate.

Witness my hand and (when an official seal is required by law) official seal, this \_\_\_\_ (day of month) A. D. \_\_ (year).

[L. S.] \_\_\_\_\_ (Signature of official.)

Where the instrument shall be acknowledged by both husband and wife or by other grantor before the same officer the form of acknowledgment shall be as follows:

Acknowledgment by both husband and wife.

I, (here give name of official and his official title) do hereby certify that (here give name of the grantors whose acknowledgment is being taken) personally appeared before me this day and acknowledged the due execution of the foregoing (or annexed) instrument, and the said (here give name of the married woman or women), wife (or wives) of (here give name of husband or husbands), being by me privately examined, separate and apart from her said husband, touching her voluntary execution of the same, doth state that she signed the same freely and voluntarily, without fear or compulsion of her said husband or any other person, and that she doth still voluntarily assent thereto.

Form of acknowledgment.

Witness my hand and (when an official seal is required by law) official seal, this \_\_\_\_\_ (day of month) A. D. \_\_\_\_\_ (year).

[L. S.] \_\_\_\_\_ (Signature of official.)

Officials shall set their seal to proofs of acknowledgment.

In absence of seal official must certify under hand and private seal not essential. When official seal is not necessary.

Proofs of acknowledgment in other states or counties other than in which instrument is offered for registration.

Form of certificate.

When acknowledgment is had before official of some other state, territory or county, who has no official seal

Form of certificate.

When the proof or acknowledgment of the execution of any instrument by any maker of such instrument, whether a married woman or other person or corporation, is had before any official authorized by this act to take such proof and acknowledgment and such official has an official seal he shall set his official seal to his certificate. If the official before whom the instrument is proven or acknowledged have no official seal he shall certify under his hand and his private seal shall not be essential. When the instrument is proven or acknowledged before the clerk or deputy clerk of the superior court of the county in which the instrument is to be registered the official seal shall not be necessary. When the proof or acknowledgment of any instrument is had before a justice of the peace of some other state or territory of the United States, or before a justice of the peace of this state but of a county different from that in which the instrument is offered for registration, the form of certificate as to his official position and signature shall be substantially as follows:

I, A. B. (here give name and official title of a clerk of a court of record as provided for in sections four and five of this act) do hereby certify that C. D. (here give the name of the justice of the peace taking the proof, etc.), was at the time of signing the foregoing (or annexed) certificate an acting justice of the peace in and for the county of ----- and state (or territory) of -----, and that his signature thereto is in his own proper handwriting.

In witness whereof I hereunto set my hand and official seal, this ---- day of -----, A. D. ----

[L. S.] ----- (Signature of officer).

When the proof or acknowledgment of any instrument is had before any official of some other state, territory or country and such official have no official seal, then the certificate of such official shall be accompanied by the certificate of a clerk of a court of record of the state, territory or country in which the official taking the proof or acknowledgment resides, of the official position and signature of such official; such certificate of the clerk shall be under his hand and official seal and shall be in substance as follows:

I, A. B. (here give name and official title of the clerk of a court of record as provided in this act), do hereby certify that C. D. (here give name of the official taking the proof, etc.), was at the time of signing the foregoing (or annexed) certificate a (here give the official title of the officer taking proof, etc.), in and for the county of ----- and state of ----- (or other political division of the state, territory or country as the case may be), and that his signature thereto is in his own proper handwriting.

In witness whereof, I hereunto set my hand and seal of office,  
 this \_\_\_\_ day of \_\_\_\_\_ A. D. \_\_\_\_  
 (Seal of office.) \_\_\_\_\_ (Signature of clerk.)

SEC. 9. That section one thousand two hundred and fifty-six of The Code of North Carolina be amended so as to read as follows: "Every conveyance, power of attorney or other instrument affecting the estate, right or title of any married woman in lands, tenements or hereditaments must be executed by such married woman and her husband, and due proof or acknowledgment thereof must be made as to the husband and due acknowledgment thereof must be made by the wife and her private examination, touching her voluntary assent to such instrument, shall be taken separate and apart from her husband, and such acknowledgment or proof as to the execution by the husband and such acknowledgment by the wife and her private examination shall be taken and certified as provided in this act. It shall not be essential that the proof or acknowledgment of the execution of any such instrument by the husband and the acknowledgment of the execution by the wife and her private examination be had at the same time or place or before the same official. Any conveyance, power of attorney, contract to convey, mortgage, deed of trust or other instrument executed by any married woman in the manner by this act provided and executed by her husband also shall be valid in law to pass, bind or charge the estate, right, title and interest of such married woman in and to all such lands, tenements and hereditaments or other estate, real or personal, as shall constitute the subject-matter or be embraced within the terms and conditions of such instrument or purport to be passed, bound, charged or conveyed thereby. That in all cases of deeds or other instruments mentioned or referred to in this act, executed by husband and wife and requiring registration, the probate of such instrument as to the husband and acknowledgment and private examination of the wife may be taken before different officers authorized by law to take probate of deeds or any other instrument mentioned or referred to in this act, whether both of said officials reside in this state or only one in this state and the other in another state. And in taking the probate of such instruments executed by husband and wife, including the private examination of the wife, it shall not be material whether the execution of the instrument was proven as to or acknowledged by the husband before or after the acknowledgment and private examination of the wife.

SEC. 10. That no deed of conveyance for lands executed by a husband and wife since the eleventh of March, eighteen hundred and eighty-nine, and no other instrument mentioned or referred to in section one of this act which may be hereafter executed by

Section 1256 of  
 The Code  
 amended.

Examination of  
 wife separate and  
 apart from hus-  
 band.

Not essential that  
 examination of  
 husband and  
 wife be held at  
 same time or  
 place or before  
 same official.  
 Conveyances of  
 married women  
 provided for in  
 this act shall be  
 valid.

Officers before  
 whom acknowl-  
 edgment may be  
 taken.

Precedent of  
 acknowledg-  
 ment immaterial.

Deeds of convey-  
 ance executed by  
 husband and  
 wife since March  
 11th, 1889, not

invalid because execution was procured by fraud.

Invalidated when person to whom instrument was made participated in fraud.

Instruments without subscribing witnesses, how proved.

When this shall not apply. In absence of subscribing witness, or witness of unsound mind.

Shall not apply to execution of instruments by married women. Proof of instruments regardless of residence of parties interested.

Section 1246 of The Code, referring to proof of deeds, repealed.

Section 1249 of The Code, referring to proof of power of attorney, amended.

a husband and wife, if the private examination of the wife shall have been certified in the manner prescribed by law, shall be deemed or declared invalid in any case because its execution was procured by fraud, duress or other undue influence, unless it shall be shown that the grantee or person or persons to whom such instrument was or shall be made participated in the fraud, duress or other undue influence or had notice thereof before the delivery of the instrument, and where the grantee or person or persons to whom such instrument has been or shall be made is shown to have had notice of such fraud, duress or undue influence or to have participated therein, an innocent purchaser for a valuable consideration from or under such grantee or person or persons to whom such instrument has been or shall be made shall not be affected by any fraud, duress or other undue influence practiced or exercised in procuring the execution and acknowledgment of such instrument.

SEC. 11. If any instrument required or permitted by law to be registered have no subscribing witness, the execution of the same may be proven before any official authorized to take the proof and acknowledgment of such instrument by proof of the handwriting of the maker or makers, but this shall not apply to proof of execution of instruments by married women.

SEC. 12. If an instrument required or permitted by law to be registered have a subscribing witness and such witness be dead or out of the state, or of unsound mind, the execution of the same may be proven before any official authorized to take the proof and acknowledgment of such instrument by proof of the handwriting of such subscribing witness or of the handwriting of the maker or makers, but this shall not be proof of the execution of instruments by married women.

SEC. 13. That the execution of any and all instruments set forth in section one of this act may be proven or acknowledged before any of the officials set forth in sections one and five of this act regardless of the county in this state in which the subject-matter of the instrument may be situate and regardless of the domicile, residence or citizenship of the person or persons or corporation or corporations who execute such instrument, or of the domicile, residence or citizenship of the person or persons, corporation or corporations to whom or for whose benefit such instrument may be made.

SEC. 14. That section one thousand two hundred and forty-six and one thousand and forty-eight of The Code of North Carolina be and the same are hereby repealed.

SEC. 15. That section one thousand two hundred and forty-nine of The Code of North Carolina be amended so as to read as follows: "Every power of attorney, wherever made or concerning whatso-

ever matter, may on acknowledgment or proof of the same before any competent official, be registered in the county wherein the property or estate which it concerns is situate, if such power of attorney relate to the conveyance thereof; if it do not relate to the conveyance of any estate or property then in the county in which the attorney resides or the business is to be transacted."

SEC. 16. That section one thousand two hundred and sixty-eight of The Code of North Carolina be amended so as to read as follows: "The grantee or other party to any instrument required or allowed by law to be registered may at his own expense obtain from the clerk of the superior court of the county in which the instrument is required to be registered a subpoena for any or all of the makers of or subscribing witnesses to such instrument, commanding such maker or makers or subscribing witness to appear before such clerk at his office at a certain time to give evidence concerning the execution of the instrument. Such subpoena shall be directed to the sheriff of the county in which the person upon whom it is to be served resides. If any person refuses to obey such subpoena he or she shall be liable to a fine of forty dollars or to be attached for contempt by the clerk, upon its being made to appear to the satisfaction of the clerk that such disobedience was intentional, under the same rules of law as are prescribed in the cases of other defaulting witnesses."

Section 1268 of The Code referring to proof of witnesses to deeds, amended.

Witnesses refusing to obey subpoena liable.

SEC. 17. That section six hundred and eighty-five of The Code of North Carolina be amended so as to read as follows: "Any corporation may convey lands and all other property which is transferable by deed, by deed of bargain and sale or other proper deed sealed with the common seal and signed by the president or presiding member or trustee and two other members of the corporation and attested by a witness or witnesses, or by deed of bargain and sale or other proper deed sealed with the common seal and signed by the president or presiding member or trustee and attested by the secretary of the company. But any conveyance of its property whether absolutely or upon condition, in trust or by way of mortgage executed by any corporation shall be void and of no effect as to the creditors of said corporation existing prior to or at the time of the execution of said deed, and as to torts committed by such corporation, its agents or employees prior to or at the time of the execution of said deed: *Provided*, said creditors or persons injured or their representatives shall commence proceedings or actions to enforce their claims against said corporation within sixty days after the registration of said deed as required by law. If the deed or other instrument is executed by the signature of the president or presiding member or trustee and other members of the corporation and sealed with

Section 685 of The Code, referring to conveyances by deeds by corporations, amended.

Void as to existing creditors.

Proviso.

Proceedings shall be instituted within sixty days.

the common seal the following form of proof and certificate thereof shall be deemed sufficient:

**Form of proof and certificate.**

This \_\_\_\_ day of \_\_\_\_\_, A. D. \_\_\_\_\_, personally came before me (here give name and official title of the officer who signs this certificate), A. B. (here give name of subscribing witness), who being by me duly sworn says that he knows the common seal of the (here give name of the corporation) and also acquainted with C. D., who is the president (or presiding member or trustee of said corporation) and also with E. F. and G. H., two other members of said corporation; and that he, the said A. B., saw the said C. D., president as aforesaid (or presiding member or trustee as aforesaid or other officer of said corporation) affix said seal to the foregoing (or annexed) instrument, and also saw said C. D. and E. F. and G. H. sign the said instrument, and that he, the said A. B., became a subscribing witness to the said deed in their presence.

----- (Signature of officer.)

**Deeds executed by signature of president, presiding member or trustees.**

If the deed or other instrument is executed by the signature of the president, presiding member or trustee of the corporation and sealed with its common seal and attested by its secretary the following form of proof and certificate thereof shall be deemed sufficient: "

**Form of proof and certificate.**

This \_\_\_\_ day of \_\_\_\_\_, A. D. \_\_\_\_\_, personally came before me (here give name and official title of the officer who signs the certificate) A. B. (here give name of the attesting secretary), who being by me duly sworn says that he knows the common seal of (here give name of the corporation) and is acquainted with C. D., who is the president of said corporation, and that he the said A. B. is the secretary of the said corporation and saw the said president sign the foregoing (or annexed) instrument and saw the said common seal of said corporation affixed to said instrument by said president (or that he, the said A. B., secretary as aforesaid, affixed said seal to said instrument), and that he, the said A. B., signed his name in attestation of the execution of said instrument in the presence of said president of said corporation.

----- (Signature of officer.)

**Addendum to certificate if proven before clerk or deputy of county in which instrument is offered for registration.**

If the officer before whom the same is proven be the clerk or deputy clerk of the superior court of the county in which the instrument is offered for registration, he shall add to the foregoing certificate the following: "Let the instrument with the certificate be registered."

**Conflicting laws repealed.**

SEC. 18. That all laws and clauses of laws in conflict with the provisions of this act be and the same are hereby repealed.

Ratified the 23d day of February, A. D. 1899.

## CHAPTER 236.

An act to amend section two thousand three hundred and one, of chapter eight, volume two, of The Code.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section two thousand three hundred and one of chapter eight, volume two of The Code, be amended by striking out the words "the board of public buildings" in line one of said section and inserting in lieu thereof the following: "The general assembly," and by striking out the word "appoint" in line one (1) of said section two thousand three hundred and one and inserting in lieu thereof the word "elect," and by striking out in line three of section two thousand three hundred and one the word "appointed" and inserting in lieu thereof the word "elected," and by inserting after the word "appointed" in line three of said section the words "by any succeeding general assembly."

Section 2301, chapter 8 volume 2 of The Code, referring to the appointment of keeper of the capitol by board of public buildings, amended.

SEC. 2. That the general assembly at its present session shall elect a keeper of the capitol under the provisions of said section two thousand three hundred and one, amended by this act, whose term of office shall begin immediately upon his giving the bond required by section two thousand three hundred and six of The Code; and that section two thousand three hundred and three of The Code is hereby amended by striking out the words, "a reasonable and just price" in line seventeen and by inserting in lieu thereof the words "a salary of fifty (50) dollars per month."

Keeper of capitol to be elected by general assembly.

Salary.

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

Ratified the 23d day of February, A. D. 1899.

## CHAPTER 237.

An act in regard to issuing license to retail liquor in Wilkesboro, North Carolina.

*The General Assembly of North Carolina do enact :*

SECTION 1. That whenever the commissioners of Wilkesboro, North Carolina, have granted license to any person or persons to retail and sell spirituous or malt liquors in the town of Wilkesboro, and when it shall appear further that said person or persons are suitable persons to conduct the business of retail liquor dealers and have otherwise complied with all the requirements demanded of persons asking for a license, then it shall be the duty

When commissioners of Wilkesboro shall grant retail license for sale of liquor.

of the board of commissioners of Wilkes county to grant retail license to such person or persons in the same manner and to the same extent as if application had been first made to them: *Provided*, this act shall not take effect unless the qualified voters of Wilkesboro shall have on the first Monday in May, eighteen hundred and ninety-nine, under the provisions of chapter one hundred and ninety-nine, private laws of eighteen hundred and ninety-seven, voted for license.

Proviso.

Act not effective unless qualified voters of Wilkesboro vote for license.

Shall apply only to town of Wilkesboro.

SEC. 2. This act shall apply only to the town of Wilkesboro.

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

Ratified the 23d day of February, A. D. 1899.

#### CHAPTER 238.

An act to amend the law in relation to the cotton weigher of Salisbury, Rowan county.

*The General Assembly of North Carolina do enact :*

Duty of cotton weigher of Salisbury prescribed.

SECTION 1. It shall be the duty of the cotton weigher of the city of Salisbury to weigh, mark, inspect and sample every bale of cotton weighed by him, and to keep a record of the same, and for said services he shall receive the sum of ten cents, one-half to be paid by the buyer and one-half by the seller.

Mill men and warehouse men exempt from weighers' fees, when weighed by them.

SEC. 2. That cotton mill men and warehousemen in Rowan county shall have the privilege of weighing any and all cotton purchased by them free of expense and without being liable to pay to the cotton weigher any fees therefor.

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

Ratified the 23d day of February, A. D. 1899.

#### CHAPTER 239.

An act to amend chapter seventy-seven (77) of the public laws of eighteen hundred and ninety-seven (1897), relative to hunting in Stokes county.

*The General Assembly of North Carolina do enact :*

Chapter 77, public laws of 1897, relative to hunting in Stokes county, amended. Offense, which is made a misdemeanor, prosecuted only by warrant issued by owner of land.

SECTION 1. That chapter seventy-seven (77) of the public laws of eighteen hundred and ninety-seven (1897) be amended by adding the following words to section one: That the offense which is made a misdemeanor in the first section of this act shall not be prosecuted except by warrant issued upon the affidavit of the owner of the land and not otherwise. And by adding the fol

lowing words to section two: *Provided*, that the prohibition contained in section two shall not apply to the owner of the land and shall not prevent the owner from granting permission to other persons. And the offense which is made a misdemeanor by this section shall not be prosecuted except by warrant issued upon the affidavit of the owner of the land or his agent and not otherwise.

Persons to whom the prohibition in this act shall not apply.

Prosecution shall follow only upon issuance of warrant by owner of land or his agent.

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

Ratified the 23d day of February, A. D. 1899.

CHAPTER 240.

An act for the benefit of Rockingham county.

WHEREAS, chapter fifty seven of the acts of eighteen hundred and ninety one authorized the county of Rockingham through its agents to issue eleven thousand dollars of county bonds for the purpose of paying off the floating indebtedness of said county, said bonds payable at the option of said county after five years; and

Preamble.

WHEREAS, the five years have elapsed and proposals have been made to the county to refund said bonds at a lower rate of interest; therefore,

Preamble.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the county commissioners be and they are hereby authorized and instructed as soon as practicable after the passage of this act to issue new bonds for the purpose of paying off the old ones and costs incurred in printing the new ones and for no other purposes.

Commissioners of Rockingham county authorized to issue bonds.

SEC. 2. Said bonds shall be in denominations of one hundred dollars, five hundred dollars and one thousand dollars, as desired by the subscriber; shall run twenty years from date, payable at option of county after five years; shall bear interest at the rate of not more than five per centum per annum, payable semi-annually on the first days of June and December of each year as evidenced by coupons attached.

Denomination of bonds

When payable. Rate of interest.

SEC. 3. Said coupons shall be receivable at par in payment of Rockingham county taxes.

Coupons receivable at par for taxes.

SEC. 4. Each bond shall be numbered and each coupon attached thereto shall be numbered as the bond.

Bonds and coupons shall be similarly numbered.

By whom signed. SEC. 5. Each bond shall be signed by all the board of county commissioners, and each coupon shall be signed by the chairman of said board.

Shall not be sold at less than face value. SEC. 6. Said bonds shall not be sold for less than their face value.

Commissioners shall levy a tax to pay interest on bonds and provide sinking fund. SEC. 7. That the county commissioners of Rockingham county at their annual meeting for levying taxes shall levy a tax of one cent on property and three cents on the poll for the purpose of paying the interest on said bonds and providing a sinking fund for redemption of the same, the proceeds of said tax to be used for no other purpose.

SEC. 8. That this act shall be in force from and after its ratification, the public welfare requiring it.

Ratified the 23d day of February, A. D. 1899.

## CHAPTER 241.

### An act for the better government of Greene county.

*The General Assembly of North Carolina do enact :*

Names of commissioners appointed for Greene county. Powers. SECTION 1. That D. N. Edwards, Samuel McKeel, E. C. Cobb and G. W. Sugg be and they are hereby appointed commissioners for the county of Greene, with all the rights, powers, duties and privileges of commissioners of said county as fully as if they had been elected to said office.

When meeting may be held. SEC. 2. That said commissioners named in section one of this act together with the commissioners elected and now occupying said office, or a majority of them, may meet at the regular meeting on the first Monday in March, eighteen hundred and ninety-nine or at a called meeting if any shall be held prior to the first Monday of March, eighteen hundred and ninety-nine or subsequent thereto, and may reorganize said board and elect one of their number chairman of said board.

May reorganize. Shall take oath of office. SEC. 3. That before entering upon the duties of the office the persons appointed by this act shall take the oath of office as now required by law and thereafter they may continue to act as commissioners of said county until the next general election for county officers; and said board as constituted by this act shall be subject to all the duties and liabilities and clothed with all of the powers as is now or may hereafter be provided by law for the boards of commissioners of the several counties of this state.

Liability and power. Notification of the passage of this act. SEC. 4. That the secretary of state shall within five days after the ratification of this act certify under the great seal of the state a copy of this act, and shall send the same to W. E. Best, chair-

man of the board of commissioners of Greene county, who shall as soon as practicable after receiving the same cause a notice of their appointment to be served by the sheriff of said county upon the persons appointed by this act.

Notice shall be served.

SEC. 5. That the board of commissioners of Greene county are hereby authorized and empowered to elect at a regular or special meeting a keeper of the common jail of said county, and that he hold his office until the next regular election; that he qualify by taking the oath of office and that he have custody of the said jail and the prisoners confined therein, with all the rights, powers and duties now exercised by the sheriff of said county.

Empowered to elect keeper of jail.

SEC. 6. That this act be in force from and after its ratification. Ratified the 23d day of February, A. D. 1899.

#### CHAPTER 242.

An act to repeal chapter one hundred and seventy-six, public laws of eighteen hundred and ninety-five, and re-enact and amend chapter four hundred and eighty-seven, public laws of eighteen hundred and ninety-one.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and seventy-six, public laws of eighteen hundred and ninety-five, be and the same is hereby repealed.

Chapter 176, public laws of 1895, abolishing game keepers, abolished.

SEC. 2. That chapter four hundred and eighty-seven, public laws of eighteen hundred and ninety-one, be re-enacted and amended as follows: That in section five of said chapter after the word "board" add the following: "*Provided*, said compensation shall not exceed the sum of fifty dollars per month for principal game keeper and not more than thirty dollars per month for each assistant employed: *Provided further*, that nothing herein shall debar said principal game keeper or assistants from recovering in addition to their regular compensation one-half of any fine imposed by statute on any person or persons they may apprehend violating the gunning or fishing laws of Currituck sound or any part thereof."

Chapter 387, public laws of 1891, re-enacted and amended.

Proviso.

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

Compensation for principal game keeper. Proviso.

Ratified the 23d day of February, A. D. 1899.

## CHAPTER 243.

An act to authorize the state treasurer to pay to Mrs. R. Z. Fewell the sum of twenty-one dollars and twenty-six cents

*The General Assembly of North Carolina do enact :*

State treasurer directed to pay Mrs. R. Z. Fewell \$21.26, amount due her father.

SECTION 1. That the state treasurer is hereby directed to pay Mrs. R. Z. Fewell the sum of (\$21.26) twenty-one dollars and twenty-six one-hundredth dollars due her father, Johnson Crawford, now dead, said amount being the direct land tax paid the United States, and by it refunded to the state and covered into the treasury by chapter four hundred and four of acts of eighteen hundred and ninety-five.

Conflicting laws repealed.

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 25d day of February, A. D. 1899.

## CHAPTER 244.

An act to repeal chapter five hundred, public laws of eighteen hundred and ninety-seven, relating to the working of the public roads in the counties of Greene, Wilson and Wayne.

*The General Assembly of North Carolina do enact :*

Chapter 500, public laws 1897, in so far as it relates to Greene county, repealed.

SECTION 1. That chapter five hundred, public laws of eighteen hundred and ninety-seven, relating to the working of the public roads of Greene, Wilson and Wayne counties be and the same is hereby repealed in so far as it relates to the county of Greene.

Certain taxes for road purposes not collectible.

SEC. 2. That the tax collector [collected] for the purpose of working the public roads of the county of Greene for the year eighteen hundred and ninety-eight, under the provisions of said act, shall be refunded to the taxpayers of said county, and all taxes levied under said act, and not collected at the passage of this act, shall not thereafter be collected nor collectible.

Sheriff, tax collector and treasurer authorized to pay to Dr. Joseph E. Grimsley certain moneys.

SEC. 3. That R. D. S. Dixon, sheriff and tax collector for the year eighteen hundred and ninety eight for said county of Greene, and the treasurer of said county are hereby directed to pay to Dr. Joseph E. Grimsley, who is hereby appointed to disburse and refund said taxes to the taxpayers of said county, all moneys collected as taxes for working the public roads of said county for the year eighteen hundred and ninety eight, upon said J. E. Grimsley making demand for same and presenting a certificate from W. E. Best, chairman of the board of commissioners of said

county that he has executed the bond required by the provisions of this act.

SEC. 4. That said J. E. Grimsley before entering upon the duties required of him under this act, shall execute a good and sufficient bond in such sum as shall be deemed satisfactory by said W. E. Best, chairman of said board, payable to the state of North Carolina, conditioned for the faithful payment to the persons entitled all moneys received under the provisions of this act.

Bond shall be executed by said J. E. Grimsley.

SEC. 5. That W. E. Best, chairman of the board of commissioners of the said county, shall cause to be placed in the hands of said J. E. Grimsley a list of the names of all persons who has [have] paid said tax for the year eighteen hundred and ninety-eight, with the amount paid by each, as soon as possible after the passage of this act, and said R. D. S. Dixon, tax collector, shall allow said list to be made from the stub tax books for the year eighteen hundred and ninety eight.

List of persons who have paid said road tax shall be given J. E. Grimsley.

SEC. 6. That all moneys collected as taxes for working the public roads of Greene county for the year eighteen hundred and ninety-seven by virtue of said chapter five hundred, acts of eighteen hundred and ninety-seven and not heretofore expended for working said roads, shall be turned into the general county fund of said county.

Money collected for road taxes for 1897, how applied.

SEC. 7. That all moneys in the hands of said J. E. Grimsley (of said taxes of eighteen hundred and ninety-eight) and not refunded to said taxpayers by the first day of March, nineteen hundred, shall be turned into the general county fund of said county.

Money not refunded, how applied.

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

Ratified the 23d day of February, A. D. 1899.

#### CHAPTER 245.

An act to amend chapter two hundred and ninety-one of the public laws of eighteen hundred and ninety-seven.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section two of chapter two hundred and ninety-one of the public laws of eighteen hundred and ninety-seven be amended so as to read as follows: "That it shall be unlawful for any person or persons to shoot any wild fowl over decoys of any kind in the waters of Currituck sound between the thirty-first day of March and the tenth day of November of each year; or to sell or to ship out of the state any wild fowl between said dates."

Chapter 291, public laws 1897, to regulate gunning in Currituck county, amended.

Word first changed to tenth.

SEC. 2. That the word "first" in line three of section three of said chapter be changed to "tenth" (10th).

Amended.

SEC. 3. That the word "daylight" in line two of section four be changed to the word "sunrise" and the following be inserted in said section after the word "to" in line four and before the word "continue" in line five: "put decoys or nets in the waters of Currituck sound before sunrise or."

Word five changed to twenty.

SEC. 4. That the word "five" in line four of section eight of said chapter be changed to the word "twenty".

Shall not prevent fishing between certain hours at certain places.

SEC. 5. That this act shall not prevent fishing between the hours of dark and sunrise, on the east side of said sound, not more than two hundred yards from the land, opposite north banks and Kitty Hawk woods, between November the first and March the thirty-first following.

More than one stationary bush unlawful

SEC. 6. That it shall be unlawful for any person to leave more than one stationary bush blind standing in the waters of Currituck sound, between the hours of dark and sunrise, on any day between the tenth day of November and the thirty first day of March of each year.

Unlawful to skiff or ring shoot certain birds at stated times.

SEC. 7. That it shall be unlawful for any person or persons to skiff or ring shoot any boobies or ruddy duck in the waters of Currituck sound between the tenth day of November and the fifteenth day of February of each year.

Decked boats and float house shall be moored or anchored on west side of sound.

SEC. 8. That all decked boats or float-houses or houses built over the water used to live in for the purpose of hunting wild fowl or fishing in Currituck sound, shall be moored or anchored in the shoal water on the west side of the sound, not more than three hundred yards from the mainland, or at some public landing on the east side of said sound, between the north end of Church's island, and the south end of Powell's Point.

Penalty.

SEC. 9. Any person or persons violating any one of the preceding sections or any part thereof shall be guilty of a misdemeanor for each offense, and upon conviction, shall be fined not more than fifty dollars nor less than twenty dollars, 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.

Conflicting laws repealed.

SEC. 10. That all laws in conflict with this act are hereby repealed.

SEC. 11. That this act shall be in force from and after its ratification.

Ratified the 23d day of February, A. D. 1899.

CHAPTER 246.

An act to incorporate the Presbyterian church in Yanceyville, Caswell county (two miles).

*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful to sell intoxicating liquors within two miles of the Presbyterian church in Yanceyville, Caswell county.

Sale of intoxicating liquors within two miles of Presbyterian church in Yanceyville, Caswell county, prohibited.

SEC. 2. That any person or persons violating 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. All laws or clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This act shall be in force from and after its ratification. Ratified the 23d day of February, A. D. 1899.

CHAPTER 247.

An act to provide a short form for agricultural liens, and to prescribe the fees for probating and registering the same, in Johnston, Iredell and Columbus counties.

*The General Assembly of North Carolina do enact :*

SECTION 1. That for the purpose of creating a valid agricultural lien under section one thousand seven hundred and ninety-nine of The Code for supplies to be advanced; and also to constitute a valid chattel mortgage as additional security thereto and to secure a pre-existing debt, the following form shall be deemed sufficient, and for those purposes, legally effective:

Form for crop liens to secure advances.

*Form for crop lien to secure advances, and chattel mortgage to secure a pre-existing debt, and to give additional security to the lien.*

North Carolina.....county.

I, .....of .....county am indebted to .....of .....county in the sum of .....dollars by note due on the \_\_\_\_day of ..... and the said .....has agreed to furnish me supplies to enable me to make a crop during the year \_\_\_\_ not to exceed the amount of ..... dollars, which I have agreed to pay on the \_\_\_\_ day of ..... and to secure the payment of the said supplies, I hereby give him a lien on all the crops of every kind I may raise or cause to be raised during said year on the following lands:.....

Form.

Form.

And as further security for said supplies and as security for said note, I convey to the said \_\_\_\_\_ all of said crops to be raised, as aforesaid, and the following property, to wit: \_\_\_\_\_ and if I fail to pay said note and the debt for supplies, when due, I authorize the said \_\_\_\_\_ to take possession of said crops and personal property and to sell the same at public auction for cash, after advertising the time and place of sale at three public places for twenty days and to apply the proceeds of said sale to the payment of the expenses of sale and said debts, and any balance to me.

Form.

Signed, sealed and delivered, this \_\_\_\_ day of \_\_\_\_\_  
 Witness: \_\_\_\_\_ [Seal.]

For creating agricultural lien and conveying as additional security personal property.

SEC. 2. That for the purpose of creating an agricultural lien under section one thousand seven hundred and ninety-nine of The Code, and of conveying as additional security thereto, personal property, the form hereinafter set forth shall be deemed sufficient, and legally effective:

*Form for agricultural lien and chattel mortgage, for advances.*

North Carolina \_\_\_\_\_ county.

Form.

\_\_\_\_\_ has agreed to furnish me supplies not to exceed the amount of \_\_\_\_\_ dollars, for which I have agreed to pay him on the \_\_\_\_ day of \_\_\_\_\_ and to secure the same, I give him a lien on all the crops raised or caused to be raised by me the present year on the following property, land: \_\_\_\_\_

Form.

and as additional security I convey to him the following property: \_\_\_\_\_ and if I fail to pay for said supplies when due, I authorize him to take possession of said crops and property and sell the same, for cash, after a notice of twenty days, given at three public places, and to apply the proceeds to the expenses of sale and the payment of the amount herein secured, and to pay any balance to me.

Form.

Signed, sealed and delivered, this \_\_\_\_ day of \_\_\_\_\_  
 Witness: \_\_\_\_\_ [Seal.]

Fees for probate and registration of liens.

SEC. 3. That the fees for the probate and registration of liens executed according substantially to the form set out in sections one and two of this act, shall be as follows: to the clerk for probating ten (10) cents and to the register of deeds for registering the instrument, together with the probate and all necessary acknowledgments and certificates, twenty (20) cents. The fees shall be the same whether said instrument conveys a lien on crops alone, or a lien on crops and a conveyance of chattels also and the said liens may be executed by or to more than one person by changing the forms accordingly.

Fees shall be the same.

May be executed by more than one person.

SEC. 4. If any person after executing a lien as aforesaid for advances, shall fail to cultivate the lands described therein, the person to whom said lien was executed shall be relieved of any further obligation to furnish supplies; and the debts and advancements theretofore made, shall become due and collectible at once, and the person to whom the instrument was executed may proceed to enforce the payment of the same. It shall not be necessary to incorporate such power in the instrument, but this section shall be sufficient authority.

Failure to cultivate land after securing advances.

Payment may be enforced.

SEC. 5. The commissioners of every county to which this act may apply, shall forthwith have record books made with the aforesaid forms printed therein, and the cost of said books and of the printing of said forms, and of such other of said books as may be hereafter required, shall be paid by said commissioners.

Commissioners of counties to which this act applies shall have record books made.

SEC. 6. The secretary of state is hereby directed, immediately after the ratification of this act, to send a certified copy of the same to the register of deeds of each of the counties to which this act shall apply, and it shall be the duty of the register of deeds to have a notice of the act published for thirty days in some newspaper published in said county, the cost of said notice to be paid by the county.

Act shall be published in counties to which it applies.

SEC. 7. This act shall apply to the counties of Johnston, Iredell and Columbus.

Counties to which act applies.

SEC. 8. This act shall be in force from and after its ratification, Ratified the 23d day of February, A. D. 1899.

## CHAPTER 248.

### An act to authorize the commissioners of Moore county to fund the county indebtedness, issue bonds and levy a special tax.

*The General Assembly of North Carolina do enact :*

SECTION 1. That for the purpose of enabling the county commissioners of Moore county to fund the indebtedness of the county, the said board of county commissioners are hereby authorized and empowered to issue bonds in a sum not exceeding eight thousand dollars, bearing interest at a rate not exceeding six per centum per annum.

Commissioners of Moore county authorized to issue bonds not exceeding \$8,000 to fund county indebtedness.

SEC. 2. That said bonds shall be signed by the chairman of the board of commissioners of Moore county, countersigned by the clerk of the superior court of said county, authenticated by his seal, and shall express upon their face the purposes for which they

Bonds, form and by whom signed.

were issued and there shall be attached thereto coupons calling for interest thereon annually from the date of said bonds.

Denomination of bonds. SEC. 3. That said bonds shall be issued in denominations not less than one hundred dollars nor more than one thousand dollars at the option of said board of commissioners, and one thousand dollars of the principal of said bonds shall become due and payable on the first day of January, nineteen hundred and seven, and one thousand dollars of the principal of said bonds shall become due and payable on the first day of January of each and every year thereafter until all of said bonds be paid, and the times of payment shall be expressed on the face of said bonds, together with the place where the same shall be payable.

Bonds, when due. Commissioners empowered to levy additional special tax to pay interest, etc. SEC. 4. That said board of commissioners is hereby authorized and empowered at the time of levying other county taxes to levy an additional special tax sufficient in amount to pay the interest on said bonds, and so much of the principal of said debt as may fall due on the first day of January next succeeding the time of such levy, together with the costs and charges incident to said tax upon polls and all subjects of taxation in said county as aforesaid until the final payment of said bonds shall be provided for, maintaining the constitutional equation between property and poll.

Said taxes to be collected by sheriff  
Sheriff's liability. SEC. 5. That said taxes shall be collected by the sheriff of said county, whose official bond shall be liable therefor as 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 liability. SEC. 6. That said treasurer shall receipt for said taxes and be liable on his official bond for the same as for other taxes and shall use the same for the payment of such of said bonds and interest thereon as are due and payable, and the fund arising from said taxes, over and above the cost and charges incident thereto, shall be applied to no other use than the payment aforesaid.

Application of special taxes. SEC. 7. The commissioners of said county may dispose of said bonds in any way which in their discretion they may deem best for the interest of the county: *Provided*, no bonds shall be sold for less than par and accrued interest.

Bonds, how to be disposed of. Proviso. SEC. 8. That said coupons shall be received in payment for all county taxes.

Coupons shall be received in payment for taxes.  
Sale of bonds to be recorded. SEC. 9. That the clerk of said board of county commissioners shall record upon the minute-book of said board the sale of said bonds; their number, amount and dates of maturity together with the names of their purchasers and their addresses. He shall also ascertain from the treasurer of the county, and record upon said minute book, the date of cancellation of said bonds.

Delivery to purchasers of bonds by treasurer. SEC. 10. That as soon as said bonds are signed, countersigned as hereinbefore provided, said board of commissioners shall place

the same, or such amount thereof as may be deemed advisable, in the hands of the treasurer of said county, who shall deliver the same to the purchaser upon their complying with such terms as may be designated by said board of commissioners by order directed to the treasurer, and said treasurer shall make out and return to the clerk of the board of commissioners an accurate account of the number and denomination of said bonds and to whom sold and delivered; and said treasurer shall receive all proceeds of the sale and disposal of said bonds, and shall hold said proceeds subject to the order and direction of the board, and he and the sureties on his official bond shall be responsible for the custody and safe keeping of said proceeds as provided by law.

Treasurer shall hold proceeds subject to order of board.

SEC. 11. That said board of commissioners are hereby authorized and empowered to take up and cancel county orders, bonds and other evidences of county indebtedness outstanding against the county with the lawful interest thereon accrued, and to deliver to the holders thereof in payment therefor bonds in a sum sufficient to cover said indebtedness; *Provided*, no bond shall be so used for less than its par value and accrued interest.

Commissioners empowered to cancel evidences of debt against the county.

Proviso.

SEC. 12. That this act shall be in force from and after its ratification.

Ratified the 23d day of February, A. D. 1899.

#### CHAPTER 249.

An act to correct the date of the ratification of an act which is entitled  
 “An act to amend section two thousand nine hundred and forty-one of  
 The Code, and to facilitate the restoration to the rights of citizenship  
 in certain cases.”

*The General Assembly of North Carolina do enact :*

SECTION 1. That an act, entitled “An act to amend section two thousand nine hundred and forty-one of The Code, and to facilitate the restoration to the rights of citizenship, in certain cases,” which was signed by the president of the senate and speaker of the house of representatives on the third day of February, Anno Domini eighteen hundred and ninety-nine, and delivered to the secretary of state on the same date, but the ratification clause of which reads thus: “In the general assembly read three times and ratified this third day of February, Anno Domini eighteen hundred and ninety-seven,” be amended by striking out the figure seven (7) so that the ratification clause will read thus: “In the general assembly read three times and ratified this third

An act to amend section 2941 of The Code and correct figure in date of ratification of an act to facilitate the restoration to the rights of citizenship in certain cases.

day of February, Anno Domini eighteen hundred and ninety-nine."

Secretary of state directed to regard amendment.

SEC. 2. That the secretary of state is hereby directed to make such correction and amendment as provided for in section one of this act, on the copy or enrolled bill on file in his office, and deliver to the party or parties who may print the public laws of this session of the general assembly a copy of said bill properly amended and corrected, and it shall be the duty of said printer to so print same as amended.

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

Ratified the 24th day of February, A. D. 1899.

## CHAPTER 250.

### An act to regulate the public printing.

*The General Assembly of North Carolina do enact:*

Direction of joint committee on public printing.

Rates.

How contract shall be let.

Right to reject bids.

Proviso.

SECTION 1. The joint committee on printing are directed on the part of the State to make, execute and deliver a contract for the public printing and binding at not more than the following rates: For every one thousand ems of plain composition, thirty cents; for every one thousand ems of rule and figure work, sixty cents; for every token of two hundred and forty impressions of press work, twenty cents; for law sheep binding, forty-five cents per volume of six hundred pages; for half binding, twenty cents per volume of six hundred pages; for every forty-eight pages over six hundred, one cent per volume. The contract, however shall be made with the person whose bid shall require payment from the state of the least amount of money on account thereof. The necessary freight and other expense to be incurred by accepting any proposition for the public printing shall be taken into consideration, so that the work may be done, and the printed matter be delivered for distribution in the city of Raleigh, at the lowest price obtainable from a responsible bidder. The said committee shall have the right to reject any bid, if in its opinion the same is not made by responsible parties, and in awarding the said contract, regard shall be had to the character of the work to be done, and of the quality of the material to be used, in passing on the responsibility of the bidder: *Provided*, the contract shall be let to a person or firm in the state of North Carolina. And for all job printing and binding ordered by the state departments and the sub-departments thereof, the usual customary rate

charged by printers for such work, to be approved by the commissioner of labor and printing as hereinafter provided for.

SEC. 2. The parties to whom the said committee may award the public printing and binding shall give bond, with approved security, payable to the state of North Carolina in the sum of five thousand dollars, conditioned for the faithful performance of his duties and undertakings under said contract and under this act. The surety or sureties herein required shall justify before some person authorized to administer oaths.

SEC. 3. Each bill for printing shall be charged by the "quad em" and "token", and the binding per volume; and before being paid for by the state, shall be examined and approved by the "commissioner of labor and printing," who shall impartially examine said printing and binding, and determine both the manner of its execution and the correctness of the accounts rendered for the same.

SEC. 4. The public printer may select such quality and quantity of paper as may be necessary for doing the public printing, which requisition shall be approved by said "commissioner of labor and printing," and upon such requisition it shall be the duty of the secretary of state to purchase said paper, and turn the same over to the public printer, taking his receipt for same.

SEC. 5. It shall be the duty of the secretary of state, immediately upon receipt of any ratified act or resolution, to cause the same to be copied forthwith, and affix thereto the usual marginal notes, and at the same time the secretary of state shall determine which are private and which are public laws by marking the word "public" or "private" on each act. It shall be the duty of the secretary of state to furnish said laws to the public printer as fast as the same are deposited in his office. In printing said laws the public printer shall print them in separate volumes as marked.

SEC. 6. Of the public laws there shall be printed nine thousand copies, fifteen hundred of which shall be bound in law sheep, and seven thousand and five hundred copies in half binding; of the private laws there shall be printed two thousand copies, of which there shall be one thousand copies in law sheep, and one thousand copies in half binding; of the house and senate journals, each four hundred and fifty copies, bound in law sheep; of the public documents three hundred and seventy-five copies bound in law sheep; of the reports of state officers there shall be printed such a number of copies and bound in such style as the governor's council shall advise; and of the reports of state institutions such a number of copies as their respective boards may order; of the supreme court reports, such a number of copies as the secretary of state and attorney-general may order, to be bound in law sheep; *Provided*, that when printing the reports of state offi-

Rates to be charged for other work than herein provided. Public printers shall give bond.

Sureties shall justify.

Bills for printing, how charged.

Paper used.

Duties of secretary of state respecting printing of acts and resolutions and divisions of public and private laws.

Quantity and quality of laws ordered printed.

House and senate journal.

Reports of state officers.

Reports of state institutions.

Reports of supreme court.

Proviso.

cers and state institutions, the public printer shall print of said reports the number of copies necessary for binding in the public documents, and for the copies required for public documents, said printer shall be paid in addition to the press work only for changing heads and folios of said reports such amount as said commissioner of labor and printing may allow therefor.

Precedence to be given by state printer to laws.

SEC. 7. It shall be the duty of the public printer to have the laws, documents and journals printed and bound with the utmost expedition, giving precedence to the laws, as far as may be, delivering to the secretary of state each day such copies as may have been finished.

Conflicting laws repealed.

SEC. 8. All laws in conflict with this act are hereby repealed.

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

Ratified the 24th day of February, A. D. 1899.

CHAPTER 251.

An act to provide for the indexing, side-notes and publication of the captions to laws and resolutions ratified by the general assembly of eighteen hundred and ninety-nine.

*The General Assembly of North Carolina do enact :*

John M. Julian appointed to assist the secretary of state in preparing legislative acts for the printer.

SECTION 1. That John M. Julian be, and is hereby, appointed to assist the secretary of state and prepare indexes and side or marginal notes and captions to the laws and resolutions, both private and public, ratified by the general assembly, for publication, and shall receive the same compensation for said work and be paid in like manner as was paid for preparing indexes, side notes and captions to laws and resolutions ratified by the general assembly of eighteen hundred and ninety-seven.

Compensation.

Captions to be distributed among members of the general assembly.

SEC. 2. That the secretary of state with the assistance of said John M. Julian shall immediately upon the adjournment of this general assembly publish three thousand captions of all the laws and resolutions ratified at this session and distribute the same among the members of said body.

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

Ratified the 24th day of February, A. D. 1899.

## CHAPTER 252.

An act to authorize the building of a bridge across Ivy, at Palmer's ford, in Madison county.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the commissioners of Madison county shall construct a good single track iron bridge across Ivy creek at or near Palmer's ford; said bridge to be used by the public as a free bridge.

Commissioners of Madison county, authorized to construct iron bridge across Ivy creek.

SEC. 2. The county commissioners of Madison county shall levy a tax on the first Monday in June, eighteen hundred and ninety-nine, of five cents on each one hundred dollars worth of the taxable property of said county, and fifteen cents on each poll, which shall be used for the building and construction of said bridge.

Commissioners authorized to levy a special tax.

SEC. 3. That said commissioners shall build said bridge and have the same open for the public on or before the first day of January, nineteen hundred.

Time for completion.

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

Ratified the 24th day of February, 1900 [1899].

## CHAPTER 253.

An act to confer upon the board of internal improvements the power to appoint an agent to superintend and supervise the swamp lands.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section two thousand five hundred and twelve of The Code be amended by striking out the words "the state board of education," in line one of said section, and by inserting in lieu thereof the words "the board of internal improvements."

Section 2512 of The Code amended.

SEC. 2. That section two thousand five hundred and twenty-three of The Code be amended by striking out the words "the board of education" in line one of said section and by inserting in lieu thereof the words "the board of internal improvements," and by adding after the word "board" at the end of said section the words "of education."

Section 2523 of The Code amended.

SEC. 3. That section two thousand five hundred and twenty-four of The Code be amended by adding after the word "board" wherever it appears in said section the words "of education."

Section 2524 of The Code amended.

SEC. 4. That section two thousand five hundred and twenty-five of The Code be amended by adding after the word "board" in line one the words "of internal improvements."

Section 2525 of The Code amended.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with this act or in any way interfering with the power of the board of internal improvements to remove or appoint the engineer, surveyor or agent provided for in the sections herein amended be and the same are hereby repealed.

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

Ratified the 24th day of February, A. D. 1899.

CHAPTER 254.

An act to establish a dispensary in Greensboro.

*The General Assembly of North Carolina do enact:*

Sale, barter and exchange of spirituous, vinous, malt or intoxicating liquors prohibited, except as provided within one mile of Greensboro.

SECTION 1. That it shall be unlawful for any person, firm or corporation to sell, barter or exchange any spirituous, vinous, malt or intoxicating liquors of any kind in the city of Greensboro or within one mile of the city limits, except as hereinafter provided; and any one violating this section shall be guilty of a misdemeanor, and upon conviction, shall be fined a sum not less than one hundred dollars, or imprisoned not less than six months, or both.

Dispensary board.

SEC. 2. That the board of aldermen of the city of Greensboro shall on the second Friday of April, eighteen hundred and ninety-nine, elect five good and true men who shall constitute the dispensary board for the city of Greensboro, whose term of office shall begin on the first day of May, eighteen hundred and ninety-nine; the term of the first one named shall expire in two years from the said date; the second, four years, and so on in the order named, the term of one expiring every two years, and all vacancies occurring by the expiration of the term, as aforesaid, shall be filled by the said board of aldermen, who shall elect for a term running two years beyond the longest existing term of the said commissioners; and any vacancy occurring in any other way, shall be filled by the said dispensary board for the remainder of the unexpired term. The said dispensary commissioners before entering upon the duties of their office, shall make oath that they will well and truly carry out to the best of their ability all of the provisions of this act: and the resident judge of the district may remove any of the said commissioners when it shall be made to appear that he has violated his oath or been guilty of a malfeasance; and the said dispensary commissioners shall serve without pay or remuneration of any kind: *Provided*, the said board shall elect one of its members as chairman and one as treasurer, and

Term of office.

Vacancies occurring.

Dispensary commissioners shall make oath.

May be removed by resident judge.

Proviso.

may allow the treasurer such compensation as they may see fit, and said treasurer shall give bond, payable to the city of Greensboro, conditioned upon a proper accounting for the moneys that may come into his hands as such treasurer, in a sum not less than five thousand dollars, to be fixed by said dispensary board: *Provided*, said bond shall never be less than the amount of money in the hands of the treasurer: *Provided, further*, that said treasurer may give bond with some safe bonding or trust company as surety, and charge the expense of giving such bond as an expense of said dispensary.

Treasurer shall give bond.

Proviso.  
Amount of bond.  
Proviso.

SEC. 3. The said dispensary board on the first day of July, eighteen hundred and ninety-nine, or as soon thereafter as possible, shall establish one dispensary in said city, to be located on one of the principal streets, for the sale of spirituous, vinous and malt liquors, and there shall be no prosecution under this act for the sale of liquor until said dispensary shall be opened. The said dispensary board shall elect a manager for said dispensary, who shall be a man of good character and sobriety, who shall have charge of the same under the supervision of said board, and who shall hold said position of manager at the pleasure of said dispensary board, subject to be discharged without notice. The said dispensary board may appoint such assistants or clerks as they may deem necessary, and may discharge them at pleasure without notice. The said manager shall be required to give bond, payable to the city of Greensboro, in such sum as the dispensary board may determine, not less than one thousand dollars, conditioned upon the proper accounting for all the 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 the rules and regulations of said dispensary board, and the said manager shall receive such salary or compensation as may be fixed by said dispensary board, which, however, shall never depend upon the amount of sales. The said board may likewise require bonds, payable as aforesaid, and in such amounts as they may deem proper, from such clerks or assistants as they may employ.

Shall establish dispensary on July 1st, 1899, or soon thereafter.

Shall elect manager.

Manager required to give bond.

Salary of manager to be fixed by directors.

SEC. 4. The said dispensary board shall have power to employ attorneys, agents and detectives to assist in the detection and prosecution of persons, firms or corporations violating this act and for other purposes; may employ chemists or other competent persons to test liquors; may borrow money; and shall have power to do all other proper things not contrary to law to carry out the true intent of this act.

Board may employ attorneys.

Powers granted.

SEC. 5. For the purpose of procuring the necessary funds for the establishment of said dispensary, the board of aldermen of the city of Greensboro shall appropriate such an amount, not ex-

Aldermen may appropriate necessary amount for establishment of dispensary.

ceeding two thousand dollars, as may be demanded by said dispensary board and said amount shall be repaid out of the profits arising from said dispensary: *Provided*, said dispensary board may establish said dispensary without receiving said appropriation. The manager of said dispensary shall on Monday of each week pay to the treasurer of the dispensary board all moneys which he may hold as said manager, and shall keep a strict account of all liquors received by him, the amount sold, and the amount on hand; and the said treasurer shall hold and disburse all the funds belonging to said dispensary, and after paying expenses and after reserving such a sum as the dispensary board may deem necessary to carry on the dispensary, shall on the first day of January, and on the first day of July of each and every year, pay over twenty per centum of the profits of the said dispensary to the treasurer of Guilford county, and eighty per centum of said profits to the treasurer of the city of Greensboro.

**Proviso.** Manager shall make weekly settlements.

**Application of profits.**

**Dispensary manager shall buy all necessary liquors.**

**Proviso.** Board shall refuse to pay for impure liquors. When liquor shall be sold.

**Proviso.**

**Quantities in which sold.**

**Drinking or loafing on premises a misdemeanor. Penalty.**

**Purchasers shall record name, date and quantity of liquor purchased.**

**Proviso.**

SEC. 6. The manager of said dispensary shall, under the supervision of said dispensary board, purchase all liquors necessary and proper for said dispensary, and may purchase such pure liquors as may be in the hands of the liquor dealers in the city of Greensboro: *Provided*, said dispensary board shall refuse to pay for all liquor found not to be pure.

SEC. 7. No liquor of any kind shall be sold in said dispensary on Sunday or election days, and said dispensary shall never be open, or liquor sold therein before sunrise nor after sunset on any day. The prices at which said liquor shall be sold shall be fixed by said dispensary board: *Provided*, all sales shall be for cash and at a profit not exceeding eighty per centum of the cost thereof. No liquor shall be sold in said dispensary except in unbroken packages, or bottles, which shall contain not less than one-half pint, and not more than one quart; and it shall be unlawful for said manager or any other person to open any such package or bottle on the premises; and the said manager shall not allow loafing or loitering or drinking on the premises, and any person drinking liquors on the said premises and any person refusing or failing to leave the said premises after being ordered to do so by the said manager, shall be guilty of a misdemeanor and fined not more than fifty dollars or imprisoned not more than thirty days.

SEC. 8. Before selling or delivering any intoxicating liquors to any person, an application must be presented to the manager or his clerk or assistant, printed or written in ink, stating the kind, quantity and price of liquor wanted, dated of the true date, and with his or her true name signed thereto, and the manager shall keep a book for this purpose: *Provided*, that said book shall be open only to the inspection of the dispensary board and its employees

and the contents thereof shall not be published. If any person shall make any false or fictitious signature or sign any name other than his own to any application, or make any false statement on any request or application, he shall be guilty of a misdemeanor. No intoxicating liquors shall be sold to any minor, intoxicated person or habitual drunkard, and the dispensary board shall make such rules and regulations not inconsistent with this act as may be proper for the management of the dispensary.

To whom the book shall be open.  
False signatures or representations.

To whom liquor may be sold.

SEC. 9. If the manager or clerks 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, vinous or malt liquors by mixing with coloring matter or any drug or ingredient whatever, or shall mix the same with water or with other liquors of different kind or quality, or shall make a false entry in any book or return required by this act, he shall be guilty of a misdemeanor.

Manager and clerks prohibited from adulterating liquors, etc.

SEC. 10. 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 barter or sale or for distribution or for division among the members of any club or association by any means whatever, shall be guilty of a misdemeanor.

Clubs and associations prohibited from keeping liquors for sale, barter, etc.

SEC. 11. All books required to be kept by the manager of said dispensary, except the one provided for in section eight, shall be open to the inspection of the public, and any person, firm or corporation violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined in a sum not less than one hundred dollars and imprisoned not less than three months, or both, except where the penalty is otherwise provided.

Dispensary, except as otherwise provided, open to public.

Violation of provisions of this act a misdemeanor. Penalty.

SEC. 12. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed: *Provided*, that this act shall not be construed so as to repeal any prohibitory laws already in force; and section three thousand one hundred and eleven of The Code shall not apply to this act.

Conflicting laws repealed.

SEC. 13. That this act shall be in force from and after its ratification.

Ratified the 24th day of February, A. D. 1899.

## CHAPTER 255.

## An act to protect and utilize reclaimed swamp or low lands.

*The General Assembly of North Carolina do enact:*

When parties have contributed to digging a ditch or canal, unlawful to fill up or obstruct same.

SECTION 1. That where two or more persons have dug a canal or ditch along any natural drain or waterway under parole agreement or otherwise wherein all the parties have contributed to the digging thereof, it shall be unlawful for any servient owner to fill up or obstruct said canal or ditch without the consent of the higher owners and providing other drainage for the higher lands.

Dominant owners may enter and clean out land after notice to servient owners.

SEC. 2. That in the absence of any agreement for maintaining the efficiency of such ditch or canal, or should the servient owner or owners neglect or refuse to clean out or aid in cleaning out the same through their lands it shall be lawful for the dominant or higher owners, after giving three days notice to servient owners, to enter along such canal and not more than twelve feet therefrom, and clean out or remove obstructions or accumulated debris therefrom at their own personal expense or without cost to the servient owner.

When a canal is prima facie evidence of its necessity.

SEC. 3. That after a canal has been dug along any natural depression or waterway and maintained for seven years, it shall be prima facie evidence of its necessity, and upon application to the clerk of the superior court of any land-owner who contributed to digging and is interested in maintaining the same, it shall be the duty of the clerk of the superior court to appoint and cause to be summoned three disinterested and discreet freeholders who after being duly sworn shall go upon the lands drained or intended to be drained by said canal, and after carefully examining the same and hearing such testimony as may be introduced touching the question of cost of canal, the amount paid and the advantages and disadvantages to be shared by each of the parties to the action, shall make their report in writing to the clerk of the superior court stating the facts and apportioning the cost of maintaining said canal among the parties to the action, and the cost of the action shall be divided in the same ratio; and their report when approved shall be properly registered by the clerk. The collection of cost and proportion of work on the canal shall be as prescribed in chapter thirty, section one thousand three hundred and six of the first volume of The Code of North Carolina, providing for cutting new ditches or canals.

Freeholders shall be appointed to examine and make report. Cost of action shall be divided.

The collection of costs.

SEC. 4. This act shall be in force from and after its ratification. Ratified the 27th day of February, A. D. 1899.

## CHAPTER 256.

## An act to improve the roads in New Hanover county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the board of commissioners of New Hanover county be, and they are hereby, authorized, empowered and directed to submit to a vote of the qualified voters of New Hanover county on the first Tuesday in May, eighteen hundred and ninety-nine, the question: "Shall New Hanover county, North Carolina, issue fifty thousand dollars of its bonds, with interest coupons attached, to repair, make and improve the public roads in said county." Said board of commissioners shall for at least thirty days preceding said election give public notice of said election and the purpose thereof by publication in one or more newspapers published in said county.

Commissioners of New Hanover county authorized to call an election for the purpose of voting on bonds or no: a bonds for public roads.

Shall give public notice.

SEC. 2. That said election shall be held and be conducted in the same manner as may be prescribed by law for holding elections for members of the general assembly: *Provided, however,* that said board of commissioners shall appoint the registrars of election and the judges and inspectors of election and any other election officers, and registration of and challenge of voters shall be conducted in like manner as is provided for in election of members of the general assembly, and said commissioners may or may not order new registration for said election. The vote shall be counted at the close of the polls and returned to the said board of commissioners on Thursday next following the election, and said commissioners shall tabulate and declare the result of the election, all of which shall be recorded in the minutes of the board of commissioners, and no other recording and declaration of the result of said election shall be necessary.

Manner of conducting election.

Proviso.

Vote, how counted and recorded.

SEC. 3. That at said election the ballots tendered and cast by the qualified electors shall have written or printed upon them "for good roads" or "against good roads." All qualified electors who favor the issue of said bonds shall vote "for good roads." All qualified voters who are opposed to the issue of said bonds shall vote "against good roads."

Form of ballots..

SEC. 4. In the event that the requisite majority of the qualified electors of said county shall vote "for good roads" at said election and the result shall be declared and recorded as aforesaid, the board of commissioners shall have prepared and issued bonds in denominations not exceeding one thousand dollars and not less than one hundred dollars, the total amount not to exceed that provided for in the first section of this act, and said bonds shall bear the rate of interest not exceeding five per centum per annum with interest coupons attached payable semi-annually on the first days

In event of majority "for good roads."

Denomination of bonds.

Rate of interest.

- When payable. of January and July during the time of their running, and the principal thereof shall be payable or redeemable at said time or times not exceeding twenty five years from the date of their issue, as the said board of commissioners of New Hanover county may determine. Said bonds and coupons shall be payable at the National Bank of Wilmington in the city of Wilmington, North Carolina; said bonds and coupons shall be signed by the chairman of the said board of commissioners and countersigned by the clerk of said board; and said bonds shall have upon them the seal of said county; said bonds shall be styled New Hanover county road bonds and issued as such.
- Where payable.
- Style of bond.
- How bonds shall be sold and applied. SEC. 5. That none, of the bonds authorized by this act shall be disposed of 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 those declared by this act. When said bonds are issued they shall be numbered consecutively and the coupons attached and issued with them shall bear the number of the bonds to which they are attached. The bonds and coupons shall state on their face when they are due and where payable, and said bonds shall show by what authority they are issued. The said board of commissioners shall have all of their proceedings in respect to said bonds in the minutes of their meetings, and when any of the same are issued, the number of the bonds, its denomination, date of issue, to whom issued and the number of coupons attached must be recorded in said minutes.
- Bonds and coupons shall be numbered.
- What bonds and coupons shall show. Commissioners must keep record.
- Proceeds of sale, how applied. SEC. 6. When any of said bonds are sold the proceeds of sale shall be turned over to the county treasurer of New Hanover county, who shall keep said funds and all other funds provided for in this act which may come into his hands separate from all other funds; and he shall keep separate accounts of the same and said county treasurer, before any fund provided for in this act shall be paid over to him, shall execute an official bond payable in the usual manner in a sum at least fifty per centum greater than the sum which may come into his hands by reason of this act, conditioned for his faithful safekeeping of the same and rendering true account in respect thereto, and in all things holding and disbursing and accounting for the same as required by law; which bond shall be received by said county commissioners as they pass upon, accept and receive other like bonds. And all orders directed to said county treasurer for payment of money under this act shall state on their face that they are road orders and to what account they are chargeable.
- Treasurer's bond shall be increased.
- Orders directed by treasurer.
- Commissioners shall levy special road tax. SEC. 7. That in case the result of said election shall be in favor of issuing bonds as aforesaid the said board of commissioners of New Hanover county shall levy annually, on the first Monday in

June in each year, a special road tax for said county of not exceeding eight cents on the one hundred dollars worth of property and not exceeding twenty-four cents on each poll; the subjects of taxation and levy of taxes to be the same on which the said board of county commissioners now or may hereafter be authorized to lay and levy taxes upon for general county purposes. The taxes so levied shall be collected as other taxes are paid and the same shall be a separate fund, applied first to the payment of the interest on said bonds and then to the creation of a sinking fund for the redemption of said bonds.

Road taxes shall be separate fund.

SEC. 8. That said board of county commissioners shall use the funds derived from the sale of said bonds for the purpose of constructing and improving the public roads in said county, and for such purpose they may establish and maintain a chain gang and work persons convicted of crime and sentenced by a court or courts to terms of penal servitude on said public roads; may purchase tools, machinery, appliances, materials, stock and all other things whatsoever deemed by them necessary for the purpose of working convicts or hired free labor on the public roads in said county.

Purpose for which proceeds from bonds shall be used.

SEC. 9. That the roadbeds in said county, constructed, prepared or worked under this act shall not be less than twenty nor more than thirty feet wide, at least twelve feet of which shall be macadamized as soon as expedient and the whole of which shall be made as straight as practicable and graded.

Character of roads built under this act.

SEC. 10. That immediately on the declaration of the result of said election, the same being favorable to the issue of bonds and the road work herein provided for, the board of commissioners of New Hanover county shall elect by ballot a road commissioner for New Hanover county. The result of said election shall be declared and the result shall be recorded in the proceedings of the said board of commissioners. Said person so elected shall take and subscribe an oath for the faithful performance of his duties as road commissioner, and shall execute an official bond with sufficient surety in the sum of two thousand five hundred dollars for the faithful execution of his duties and accounting for all money and property which may come into his hands as said officer. Said bond shall be approved by said county commissioners and recorded as are other official bonds. Said road commissioner shall hold his office for two years from the first Monday in July, eighteen hundred and ninety-nine, and until his successor is elected and qualified, except that said board of county commissioners may for some good cause remove said road commissioner from his said office and elect a successor for his unexpired term. There shall be held biennially on the first Monday in June a session of said county commissioners to elect a road com-

Commissioners shall elect road commissioner.

Road commissioner shall execute bond.

Term of office.

Commissioner may be removed.

missioner for said county who shall take oath and give bond as aforesaid. Said road commissioner shall enter upon his duties and work when directed by said board of county commissioners to begin. Said road commissioner shall direct the laying out of the roadways with the aid of an engineer, experienced in such work and say when and where to work: *Provided*, the full board of county commissioners shall designate which roads leading into Wilmington shall first be worked and the distance from the corporate limits of the town of Wilmington at which said work shall be continued before beginning work on other roads leading into said city; that is, the most important roads in the judgment of the county commissioners shall first be worked and for such distance from the corporate limits of said city outwards as they may deem best. Said road commissioner shall require the superintendent to do his duty and have control over and direct the working of the convicts in New Hanover county, and said all other laborers as may be deemed by the board of commissioners proper to employ or be employed on said roads, to be paid for out of funds herein provided for. It shall be his duty to employ a superintendent of the chain gang or convict force, and such other force as it may be deemed by the board of commissioners expedient to employ, and the 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 said road commissioner shall be subject to the control and approval of the full board of county commissioners, and in the event of the failure of the road commissioner to discharge his functions and duties the superintendent shall proceed under his own discretion until the said board of commissioners shall otherwise direct. The money raised and collected as heretofore provided shall not be paid out except on the order of the board of county commissioners who shall fix the compensation of all officers and employees herein provided for in said county, and said commissioners shall require the county treasurer to account with them twice annually for the said road fund and may require as often as they deem expedient reports from officers and employees concerning their progress in their duties and to what extent and in what manner they have performed the same.

SEC. 11. That for the purpose of laying out, opening up, constructing or working any public road herein provided for, the road commissioner or any one acting under his authority shall have the right to enter upon the land 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 contiguous to said road, doing as little injury as possible to the premises for

Duties of road commissioner.

Proviso.

What roads shall be first worked.

Duty of commissioner as to labor.

Powers and duties of commissioner and superintendent.

Money shall be paid only on order of commissioners.

Treasurer shall account semi-annually.

May enter upon land and open roads.

opening, constructing and working such road, and he shall have authority subject to the approval of the board of county commissioners to agree with the owner thereof for damages thereto, and the sums so agreed upon and approved by the board of commissioners shall be directed to be paid as in cases of other payments. In case there should be failure to agree as to such damages and to have the same approved, then the road commissioner and the claimants shall each select an arbitrator in writing, which arbitrators shall select a third arbitrator, and said arbitrators or a majority of them shall assess such damages which shall be paid as hereinbefore provided. Said arbitrators shall make their award in writing and from this award either party may appeal to the superior court for New Hanover county, the party appealing within ten days' notice of the award, shall give notice to the opposing party of his appeal, and the last chosen arbitrator above provided for shall certify the papers in the matter to said court when the case shall be docketed and the questions and issues involved shall be submitted to a jury as other issues of fact are submitted. And the case when docketed shall be styled ----- against the board of commissioners of New Hanover county.

Damages to owner.

Arbitrators shall make award.

Issues shall be submitted to a jury.

SEC. 12. That the preceding sections of this act shall not repeal the law now in force applicable to the general working of public roads in said county except that the overseer working and keeping in repair the roads constructed or improved under the provisions of this act shall at all times be under the direction of said road commissioner; any overseer refusing to act in respect to said roads as said road commissioner may direct shall be guilty of a misdemeanor: *Provided, however,* that all persons who are required to work under the road law now in force shall not be required to work in direct contact with persons who have been convicted of crime and sentenced to the roads.

Law now in force not repealed.

Road overseer under direction of commissioner.

SEC. 13. That the said board of commissioners shall have authority to employ a physician to attend to the convicts worked on the public roads, provide for their care, safe-keeping and discipline, and shall have power and authority to do so and perform all things necessary to carry into effect the objects and provisions of this act.

Physician may be employed for care of convicts.

SEC. 14. That all justices of the peace and mayors of towns in said county who may convict persons of crime within said county in cases and for offenses of which said justices and mayors have jurisdiction to inflict punishment may, when they impose punishment by sentence of imprisonment on any such offender against the law, sentence said convicted person to work on said public roads in New Hanover county for such term of imprisonment as they may adjudge. And such convicted person shall work on

Justices and mayors may sentence persons to public roads.

Presiding judges may send persons to roads.

said roads as hereinbefore provided until he be discharged according to law. Any judge holding court in the county of New Hanover may sentence all persons convicted of any violation of law and whose punishment is not by fine alone, for which such person may be sentenced to road work under the laws of the state, to work on the public roads in said New Hanover county, and any superior court judge or judge of a criminal court holding court in any other county in the state in which county there is not provision of law for working convicts on the public roads may sentence convicted persons who are subject thereto to work on said public roads in New Hanover county: *Provided, however,* that the board of commissioners of New Hanover county shall first make application to said courts and judges of said courts to sentence such convicted persons to work on said roads

Proviso.

Commissioners shall make application.

Power and duties of road commissioners.

SEC. 15. That the road commissioner provided for by this act shall have the care and charge of all tools and appliances, shall make an inventory of the same and furnish it to the road superintendent, who shall look after the safety of all such tools, machinery and appliances, and any such superintendent shall be liable for the loss of the same resulting from his carelessness or neglect.

Board of commissioners shall audit accounts.

SEC. 16. The board of commissioners of New Hanover county shall audit and ascertain the accounts of the sheriff for all taxes levied and collected under this act and make settlement of the same between said sheriff and the county treasurer, and said board of commissioners may institute and prosecute any necessary action for the recovery of any such road taxes against any officer failing to account for the same.

Making of fraudulent orders a misdemeanor.

SEC. 17. That any road commissioner or superintendent making or causing to be made any fraudulent order whereby money is to be paid out of said road fund herein provided for shall be guilty of a misdemeanor. And any road commissioner or superintendent failing or refusing to perform the duties imposed by this act shall be guilty of a misdemeanor and fined not exceeding twenty dollars. Any road hand failing to obey any superintendent or failing to work when summoned shall be guilty of a misdemeanor and fined not less than one dollar nor more than ten dollars or may be imprisoned not more than twenty days.

Penalty.

Road hands, when guilty of misdemeanor.

SEC. 18. That all expenses incurred by the county commissioners on account of meetings held by reason of duties imposed by this act shall be paid on their order out of the funds provided for by this act.

Expenses incurred in meetings on account of this act.

SEC. 19. That this act shall be in force from and after its ratification.

Ratified the 27th day of February, A. D. 1899.

## CHAPTER 257.

An act to provide for working the public roads in Macon county and for other purposes.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the board of commissioners of Macon county shall at their regular meeting in June, eighteen hundred and ninety-nine, and at each annual meeting thereafter in each and every year, levy a special tax on all property subject to taxation of not less than ten cents nor greater than twenty-five cents on the one hundred dollars worth of property, and not less than thirty cents and not greater than seventy-five cents on each poll, the constitutional equation to be observed, said taxes to be collected as all others are and to be kept separate from other funds, and to be set aside as a special road fund, and to be used in the construction, improvement, maintenance of the public roads, culverts and bridges of the county and for the purchase of such tools and other implements as may be necessary in the proper carrying on of this work and for such other purposes as are mentioned in section five of this act.

Commissioners of Macon county authorized to levy a special tax.

Special fund.  
Purpose of levy.

SEC. 2. The justices of the peace in each township shall have the supervision and control of the working of the public roads in their respective townships, and of the laying out of cartways as heretofore; they are hereby incorporated and "The Board of Township Trustees" shall be their corporate name. The county commissioners shall have full power and authority to order the laying out of public roads, to appoint where bridges shall be made and ferries, if any, established; to discontinue such roads and ferries as may be found useless and may cause all roads already constructed to be regraded, and if in the judgment of a majority of said board of commissioners the services of an engineer are necessary they may employ one at a reasonable compensation and pay him out of the road fund of the county.

Justices of peace shall have supervision of working roads.

Incorporated.  
Corporate name.

Power of county commissioners.

SEC. 3. The board of township trustees shall meet at some place in their respective townships to be agreed upon, or in the absence of such agreement to be named by the chairman, on the first Saturday in May and August and at such other times as said board may have business before it for the purpose of consulting on the subject of the condition of the roads in their respective townships, and to transact any business that may come before them. They shall once in each year during the week of their meeting in August go over the roads in their townships and personally examine the same. They shall annually at their meeting in May of each year elect one of their number chairman. The said Board of Township Trustees shall annually at their meeting in May di-

Board of trustees shall meet.

Shall go over roads and examine same.

- Division of township roads. provide the roads of their townships into sections and appoint supervisors for said sections at said meeting. They shall at the same time allot the hands to said supervisors and shall also designate the boundaries or points to which each resident shall be liable to work on said section, and shall within five days after such meeting certify to each supervisor written notice of his appointment, with a list of the hands appointed to his section: *Provided*, The Board of Township Trustees may at any time alter the sections or allotment of hands, but shall give notice thereof to the supervisor; such supervisor shall serve and be liable as such for neglect of duty until he shall be relieved by the board, which shall be done only upon his showing that his road is in good condition as required by law. The supervisor may resign after one year: *Provided*, his road shall be in good repair and The Board of Township Trustees shall so find.
- Proviso.
- Supervisors may be liable for road duty.
- Supervisors may resign.
- Persons liable to road duty.
- Proviso.
- Substitute for road duty.
- Road year, when beginning. County commissioners empowered to make contracts.
- County commissioners empowered to pay certain debts.
- Proviso.
- Moneys formerly and hereafter collected.
- SEC. 4. All able-bodied male persons between the ages of eighteen years and forty five years except those exempt by law shall be required to work on the public roads, but no person shall be compelled to work more than six days in any one year except in case of damage by storm or other unexpected obstruction to public travel and in the building of new roads: *Provided*, that if any person subject to road duty on [or] before the day named to work the road shall pay to the supervisor the sum of fifty cents for each day said person prefers not to work said road the said amount shall be received in lieu of the labor for said time. The money so paid shall be applied for the improvement of the road in the district in which such payment was made. The road year shall begin on the first Saturday in May of each year.
- SEC. 5. The county commissioners shall, upon the application of any supervisor in writing signed by himself and any two of the township trustees to the effect that blasting, culvert or bridge material is necessary, furnish such material upon the best terms possible, and the said board of commissioners is hereby fully authorized and empowered to make any contract for the building of bridges and culverts, furnishing materials, tools, road implements of all kinds and to order the same paid for out of the fund heretofore in this act provided for.
- SEC. 6. The said county commissioners are hereby fully authorized to pay out of the fund arising under this act any debts heretofore contracted for the building of bridges and for any other county improvements heretofore agreed to be paid for: *Provided*, said commissioners shall not apply to the payment of such debts more than one-third of the money raised under this act in any one year. Any and all moneys in the hands of any person collected under any former law, or which may hereafter be collected under such law, shall be turned over by such person to the

county treasurer or the person acting as such and be used according to the provisions of this act. It is the joint duty of the board of county commissioners and the township trustees of the townships through which the road known as the western turnpike road runs, to keep the same in good condition, and the said commissioners are empowered to make all necessary contracts for that purpose. Nothing herein shall be construed to release any road hand from the faithful performance of his duty.

SEC. 7. All public roads shall be thoroughly drained and whenever it shall be necessary to turn water across the road this shall be done by putting in sewers or other kinds of covered drains, culverts or bridges.

Drainage of roads.

SEC. 8. That when any person claims damage on account of the laying out or building of any new road or part of road over the land of such person, the jury appointed under existing law to assess such damage shall also take into consideration the benefits to the owner of the land, and if the benefits be considered equal to, greater or less than the damage the jury shall so declare. Judgment of confirmation or rejection of such report may be entered in whole or in part as the said board of county commissioners may deem for the best interests of all parties concerned, from which judgment an appeal lies to the superior court at term as in other cases.

Claim for damage through laying out of roads.

SEC. 9. The board of county commissioners of said county of Macon shall have full power at any time to make, adopt and pass all orders requiring all supervisors and other officers under this act to report to said board at such times and in such manner as may be designated in said order, giving a true and correct statement of all moneys coming into the hands of such officers and how the same was expended, and also a true and correct inventory of all tools, materials or equipments on hand, or which were at any time placed in the hands of such officers, belonging to the county under this act, and each officer shall be responsible for such tools, materials, equipments, etc. It is hereby made the duty of each supervisor or other officer to obey within ten days after knowledge of said order of said board of county commissioners, and in case they or any of them shall fail or refuse to do so such person or persons shall be guilty of a misdemeanor.

Reports of supervisors.

Failure of supervisor to obey order a misdemeanor.

SEC. 10. That in the construction of new roads in the county the county commissioners may make an order that each road supervisor in the township or townships in which such new road or any part of it is to be located shall order out the hands assigned to his section and work them till such new road is complete. Any supervisor or road hand subject to road duty who fails or refuses without legal excuse to comply with said order or pay the

Supervisors shall order out hands assigned to their section.

Failure to obey order.

fifty cents per day as required in section four shall be guilty of a misdemeanor.

Shall not be applied to incorporated towns.

SEC. 11. That no money arising under this act shall be applied for the improvement of roads or the building of bridges and culverts or for the purchase of tools or other implements in incorporated towns.

Chapter 50, volume 1 of The Code, amended so far as Macon county is affected.

SEC. 12. That chapter fifty, volume one of The Code, entitled "Roads, ferries and bridges" be and the same is hereby amended so far as the county of Macon is concerned and no further, by striking out the words "board of supervisors" wherever they occur in said chapter and insert in lieu thereof "The Township Board of Trustees." And by striking out the word "overseer" wherever it occurs in said chapter and insert in lieu thereof the word "supervisor." That all of said chapter fifty of The Code be and the same is hereby declared to be the law and in force in and for said county of Macon, except so much of the same as may in any way come in conflict with this act, and all laws and clauses of laws in conflict with this act are hereby repealed as to said county only.

Conflicting laws repealed.

Chapter 354, laws of 1891, chapter 208, laws of 1893, chapter 12, laws of 1897, repealed.

SEC. 13. That chapter three hundred and fifty-four (354), laws of session of eighteen hundred and ninety-one; chapter two hundred and eight (208), laws of eighteen hundred and ninety-three; and chapter twelve (12), laws of eighteen hundred and ninety-seven, be and the same with all amendments and penalties incurred under the same are hereby repealed.

Persons failing to discharge duty.

SEC. 14. Any person failing or refusing to discharge any duty imposed on such person or persons by this act or by chapter fifty of The Code without legal excuse, shall be guilty of a misdemeanor.

Copies of act to be sent register.

SEC. 15. That the secretary of state shall on or before the twentieth day of April, eighteen hundred and ninety-nine, furnish to the register of deeds of said county for distribution at least fifty copies of this act.

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

Ratified the 27th day of February, A. D. 1899.

## CHAPTER 258.

An act to validate the registration of certain conveyances.

*The General Assembly of North Carolina do enact :*

Certain conveyances validated.

SECTION 1. That the probate and registration of all deeds, mortgages and other instruments requiring registration to which the clerks of the superior courts are parties or in which they have an interest and which have been registered on the order of such

clerks on proof of acknowledgment taken before such clerks or justices of the peace be and the same are hereby declared valid and binding to all intents and purposes as if the same had been taken before or ordered by the proper clerk or such other proper official having jurisdiction thereof.

SEC. 2. This act shall be in force from and after its ratification. Ratified the 27th day of February, A. D. 1899.

CHAPTER 259.

An act to amend chapter five hundred and nine of the laws of eighteen hundred and ninety-one, relative to the graded schools of Wilson township, in Wilson county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter five hundred and nine of the laws of eighteen hundred and ninety-one be amended by striking out all after the word "thereof" in line three of section two of said chapter and the following enacted in lieu thereof: That George Hackney, A. J. Simms, C. E. Moore, W. P. Wooten, A. B. Deans, Albert Anderson and Jonas Oettinger be and they are hereby appointed a board of trustees for the Wilson graded schools, whose term of office from and after the first Monday in June, eighteen hundred and ninety-nine, shall be one year, two years, three years, four years, five years, six years and seven years respectively, and their successors to be elected by the board of aldermen of the town of Wilson at their regular meeting in the month of May.

Chapter 509, laws of 1891, relative to graded schools of Wilson, amended.

Trustees.

Term of office.

Successors, how elected.

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

Conflicting laws repealed.

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

Ratified the 27th day of February, A. D. 1899.

CHAPTER 260.

An act to appoint J. W. Johnson, D. B. Campbell, and David J. Ray, justices of the peace for Quewhipple township, Cumberland county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That, whereas, at the last general election in Cumberland county no election was held in Quewhipple township in said county and said township is in need of justices of the peace, J. W. Johnson of Timberland, D. B. Campbell of Montrose and David J. Ray of Endon in said township and county be and are

Preamble.

Names.

Appointed  
justices of the  
peace.  
Term of office.

hereby appointed and elected justices of the peace for said township and county, the term of office of each of said persons to begin immediately after the ratification of this act and his taking the required oath of office, and to continue for six years from and after the ratification of this act.

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

Ratified the 27th day of February, A. D. 1899.

#### CHAPTER 261.

##### An act to fix the fees of registers of deeds for recording crop liens and chattel mortgages.

*The General Assembly of North Carolina do enact :*

Fees of register of  
deeds for register-  
ing crop liens  
and chattel  
mortgages.

SECTION 1. That the fee of the register of deeds for registering crop liens, or an instrument combining a crop lien and chattel mortgage in one, shall be fifty cents and no more, and the fee of the clerk of the court shall be ten cents and no more for probating the same.

Applies only to  
Anson county.

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

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

Ratified the 27th day of February, A. D. 1899.

#### CHAPTER 262.

##### An act to amend chapter thirteen of the public laws of eighteen hundred and ninety-seven.

*The General Assembly of North Carolina do enact :*

Section 2, chapter  
13, public laws of  
1897, amended.  
Relating to  
license for catch-  
ing oysters and  
protection of the  
oyster industry.

SECTION 1. That section two of chapter thirteen, public laws of eighteen hundred and ninety seven, be amended by inserting in the fifth line after the word "Onslow" the word "New Hanover," making the section read, "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, New Hanover or Pamlico a license therefore," etc., etc.

License to take  
oysters.

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

Ratified the 27th day of February, A. D. 1899.

## CHAPTER 263.

## An act to suppress the illegal sale of spirituous liquors in Mitchell county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any one to keep or maintain what is known as a "blind tiger," a place for the secret sale of spirituous liquors.

Blind tigers unlawful.

SEC. 2. That any one keeping or maintaining such place and all aiders and abettors of such person shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned in the discretion of the court.

Such persons, aiders and abettors guilty of a misdemeanor. Penalty.

SEC. 3. That upon the trial of any person charged with such offense the possession of the property by him shall be prima facie evidence of his guilt.

Possession of property prima facie evidence of guilt.

SEC. 4. Any place kept for disposing of spirituous liquors to the public where the person is hidden from sight or so placed as not to be recognized by the purchaser or the person obtaining the spirituous liquor shall be deemed and taken as a "blind tiger" in the meaning of this act.

Blind tiger defined.

SEC. 5. That for the purpose of enforcing this act it shall be the duty of the sheriff upon information being made to him of the existence or maintenance of a "blind tiger" as set forth in this act to at once go to such place and arrest any and all persons found there, and to seize and take into his possession all spirituous liquors and vessels containing the same found in such place, such person or persons to be taken before some justice of the peace, whose duty it will be to issue a warrant for him or them and place them upon trial as is provided by law in criminal cases. And in case the defendant or defendants are bound to court it shall be the duty of the sheriff to retain in his custody any spirituous liquors he may have seized, to be disposed of under the order of the superior court in case of a conviction or returned to the defendant in case of an acquittal: *Provided*, the sheriff before acting under this section may require an affidavit from the person giving the information to the effect that such information is true, or that he believes it to be true, giving reasons for such belief: *Provided further*, that the sheriff may if he has information swear out a warrant against the person charged or suspected with keeping or maintaining such "blind tiger" before he goes to make arrest or seizure as required by this act.

Duty of sheriff upon certain information.

Sheriff shall retain in custody spirituous liquors.

Proviso.

Affidavits may be required.

Proviso.

Warrants may be issued on suspicion.

Failure of sheriff to perform duties prescribed in this act.

SEC. 6. That any sheriff failing to perform the duties required by this act shall be liable to a penalty of five hundred dollars in each and every case, to be recovered out of him and his official bondsmen, the amount recovered to go to the school fund of the county, and it shall be the duty of the solicitor of the district to

Duty of solicitor. prosecute in the name of the state for such recovery, and if he should fail to do so in six months after information furnished him any person may prosecute for the same on relation of the state.

Shall only apply to Mitchell county.

SEC. 7. That this act shall only apply to Mitchell county.

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

Ratified the 27th day of February, A. D. 1899.

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#### CHAPTER 264.

An act to repeal chapter one hundred and eighty of the laws of eighteen hundred and ninety-seven.

*The General Assembly of North Carolina do enact :*

Chapter 180, laws 1897, establishing dispensary for Bladen county repealed.

SECTION 1. That chapter one hundred and eighty of the law of eighteen hundred and ninety-seven establishing a dispensary for Bladen county be and the same is hereby repealed.

SEC. 2. That this act shall be in force from and after the sixth day of March, eighteen hundred and ninety-nine.

Ratified the 27th day of February, A. D. 1899.

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#### CHAPTER 265.

An act to amend chapter one hundred and forty-four, laws of eighteen hundred and ninety-five, in regard to levying a special tax for the county of Graham.

*The General Assembly of North Carolina do enact :*

Section 1, chapter 144, laws of 1895, amended. Amount of levy increased.

SECTION 1. That section one of chapter one hundred and forty-four of the laws of eighteen hundred and ninety-five be amended by striking out of line six the words and figures "eight thousand (\$8,000)" and substituting in place thereof the words and figures "fourteen thousand (\$14,000)."

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

Ratified the 27th day of February, A. D. 1899.

## CHAPTER 266.

## An act to establish graded schools in the town of Morganton.

*The General Assembly of North Carolina do enact :*

- SECTION 1. That all of the territory embraced within the corporate limits of the town of Morganton in Burke county shall be and the same is hereby constituted "the Morganton graded school district" for white and colored children. Boundaries of Morganton graded school district.
- SEC. 2. The board of commissioners of the town of Morganton are hereby authorized, empowered and directed upon a petition of one-fourth of the qualified voters therein to submit to the qualified voters of said town the question, whether an annual tax shall each year hereafter be levied within the said town for the support of graded schools for said district, such tax not to exceed fifty cents on each hundred dollars of real and personal property and one dollar and fifty cents on the poll. Said election shall be held at such time as the board of commissioners of said town may direct, but not later than the first Monday in May, eighteen hundred and ninety-nine, under the same rules and regulations as are now prescribed by law for the election of the municipal officers of the said town. At said election those in favor of the levy of said taxes shall cast a ballot on which shall be written or printed the words "For schools," and those opposed a ballot on which shall be written or printed the words "Against schools." Commissioners authorized, on petition, to order election.  
Tax for school purposes.  
Maximum tax.  
Time of holding election.  
Manner of election.  
Form of ballot.
- SEC. 3. The board of commissioners of said town of Morganton shall declare the result of such election, and if at the election so held a majority of the qualified voters of said town shall vote in favor of the levy of such taxes the said board of commissioners shall so declare and shall at once proceed to levy a tax for the support of the graded schools within said district, which said tax shall be levied and collected as a special tax and kept separate and apart from the other taxes levied and collected in said town, and paid out by the treasurer of said town only upon the warrant of the board of trustees of said graded schools. Commissioners shall declare result.  
Said tax shall be kept separate from other taxes.
- SEC. 4. That the special taxes so levied and collected, and all other funds which may be paid over to the trustees of said graded schools or to the treasurer of the said town for educational purposes, shall be expended only on the warrants of the said board of trustees in the erection of graded school buildings and in the conduct and operation of graded public schools for the education of the children in said town between the ages of six and twenty-one. School money shall be expended only on warrant of trustees.
- SEC. 5. That E. B. Claywell, W. E. Walton, M. P. Hilderbrand, John H. Pearson, H. W. Connelly, W. C. Ervin, W. E. Powe and Temporary trustees.

P. W. Patton be and they are hereby appointed and constituted a board of trustees of and for said graded schools and they and their successors in office shall have the control and management of said schools; two of said trustees shall hold their office for two years, two for four years, two for six years and two for eight years as may be determined by lots among themselves at their first meeting and duly entered on the minutes of their board.

Term of office.

Term of office of succeeding trustees.

Commissioners shall elect trustees.

SEC. 6. That all trustees of said graded schools hereafter elected shall hold their office for a period of eight years. That at the regular meeting of the board of commissioners of Morganton held in the month of May, nineteen hundred and one, and every two years next thereafter, the said board of commissioners of said town shall elect two trustees of competent intelligence in place of those two whose terms of office shall have expired. In case of a vacancy on account of the resignation or death of any trustee or his removal from the town the trustees shall elect to fill the unexpired term.

Separate school buildings shall be provided.

SEC. 7. That the said board of trustees shall provide for the erection of separate graded school buildings for the use of the white and colored school children of said town, the same to be erected as near the centre of the town as may be practicable so as to subserve the convenience of the children, and they shall have the right to engage, employ, pay and discharge teachers at any time, fix the amount of their compensation and salaries and have the general oversight and control of said schools.

Powers of trustees.

Public school fund, how applied.

SEC. 8. That all public school funds which may from time to time be collected under the general school law for general school purposes for the children in said districts shall be applied to the keeping up and operation of said graded school in said district, under the order and direction of the trustees for said graded school districts: *Provided, however,* that until the graded schools are in full operation in said town the said public schools now in operation in said town shall not be suspended or the fund diverted therefrom. And the said trustees are authorized and empowered when said graded schools are in full operation to sell and dispose of all other public school property now located in the town of Morganton and apply the proceeds of the same to the use of the graded schools in said town.

Proviso.

Present school shall not be suspended, etc.

Trustees may dispose of present property.

Who may attend said school.

SEC. 9. That all children of school age living beyond the corporate limits of said town but within two miles of the court house in said town shall be permitted by the trustees to attend such graded schools if the parent or parents of such child, or in case of their death the guardian of such child or children, shall present to the trustees the receipt of the treasurer of the town of Morganton for such term as the parents or guardian of such child or children would be required to pay for graded school purposes

if they resided within the corporate limits of said town and the property owned by them were located therein.

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

Ratified the 27th day of February, A. D. 1899.

#### CHAPTER 267.

An act in relation to the public school in the town of Mount Airy, and providing for the levying of a tax to support the same.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of commissioners of the town of Mount Airy shall and they are hereby authorized to submit to the qualified voters of said town under such rules and regulations on the first Monday in May, eighteen hundred and ninety-nine (1899), as the said commissioners may prescribe, whether a tax shall be annually levied therein for the support of the schools provided for by this act. At the election held under the provisions of this act [those] who favor the levying of such annual tax shall vote on written or printed ballots without device the words, "For schools"; and those who are opposed to the levying of such annual tax shall vote on written or printed ballots without device the words, "Against schools." The manner of holding such election and the penalties for illegal voting in this election shall be the same as in the annual election for mayor and commissioners of the town of Mount Airy. The commissioners shall give thirty (30) days notice of the time of holding said election in a newspaper published in the town.

SEC. 2. The inspectors of said election shall on the day following the election certify the number of votes cast and counted for and against schools to the commissioners of said town, who shall proceed to declare at once the result of the election, and if a majority of the qualified voters shall vote in favor of such annual tax [it] shall be levied and collected by the town authorities under the same rules and regulations under which other town taxes are levied and collected, and the tax collector shall be subjected to the same liabilities for the collection and disbursement of the said tax as he is or may be for other town taxes: *Provided*, the special annual taxes so levied shall not be more than thirty cents on the one hundred dollars valuation of property and ninety cents on the poll. The annual taxes levied and collected under the provisions of this act shall be applied exclusively to the support and maintenance of the public schools in the town of Mount Airy. The school committee whose appointment is hereinafter

Commissioners of Mount Airy authorized to order election.

Time of election.  
Levy of annual tax for school purposes.

Form of ballot.

Manner of holding election.

Notice shall be given.

Duty of inspectors of election.

How taxes shall be levied and collected.

Proviso.

Maximum tax.

How taxes shall be applied.

- Duties of school committee. provided for may establish one or more graded public schools in the town of Mount Airy and all the taxes levied and collected under this act shall not be appropriated or expended for any other purpose.
- White and colored districts. SEC. 3. For the purposes and benefits of this act the town of Mount Airy shall be and constitute a public school district for both white and colored.
- School committee. SEC. 4. If this act shall be ratified at the election authorized to be held under it the school committee of the town of Mount Airy shall consist of five members, to be elected by the commissioners of Mount Airy at their next regular meeting held after the election provided for in this act. The said school committee shall be composed of citizens of Mount Airy and freeholders therein and shall be divided by the commissioners of the town of Mount Airy at their first regular meeting after the election provided for in this act into three classes of one member of the first class and two members each of the other two classes. The term of office [of] the first class shall expire at the end of one year after the date of said meeting, the term of office of the second class shall expire at the end of two years from the date of their election, and the term of office of the third class shall expire at the end of three years from the date of their election. Whenever the term of office of any class shall expire as above provided for, his or their successors shall be elected for a term of three years by the said town commissioners. Whenever any vacancy occurs in said school committee except by expiration of the term of office the vacancy for the unexpired term of the member or members shall be filled by the said school committee.
- When elected.
- Division of committeemen.
- Term of office.
- Election of successors. Vacancies occurring.
- Duties and powers of committee. SEC. 5. That the school committee provided for by this act shall have entire and exclusive control of the public school interests and property of the town of Mount Airy, shall prescribe rules and regulations for their own government not inconsistent with the provisions of this act, shall employ and fix the compensation of officers and teachers of the public school or graded public school annually, subject to removal by the said school committee; 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 acts that may be just and lawful to conduct and manage the public school interests in said town: *Provided*, all the children resident in the town of Mount Airy between the ages of six and twenty-one years shall be admitted into the said schools free of tuition charges: *Provided*, persons living beyond the limits of the corporation may attend the schools from their homes or as boarders on the payment of tuition fees to be fixed by the said school committee.
- Who may attend.
- SEC. 6. The school committee created by this act may elect

annually or for a term not exceeding three years a superintendent for the schools established under this act, who shall be principal of the graded school for whites if the same shall be established. The said superintendent shall examine all applicants for positions in said school and shall issue certificates to such as pass satisfactory examination, and shall do and perform such other duties as may be prescribed by said school committee.

Election of superintendent.

Duties of superintendent.

SEC. 7. The moneys which shall from time to time be apportioned under the general school law of the state to the public districts embraced in the corporate limits of the town, and any moneys to which the said districts or portion of districts may be entitled by reason of any special tax, gift, grant, apportionment or otherwise shall be received by the treasurer of the town of Mount Airy, who shall be ex-officio treasurer of said school committee and whose receipt for such moneys shall constitute a sufficient voucher of such payment in the hands of any person paying the same; and the said treasurer shall report monthly to the said school committee his receipts and disbursements with all vouchers for the same, the moneys received as aforesaid shall be held by the treasurer as a separate fund to be disposed of under the direction of the aforesaid school committee, whose warrants signed by the chairman and countersigned by the secretary of said committee shall be the only valid voucher in the hands of the said treasurer for the disbursement of said moneys in any settlement required of him by the law. The said treasurer shall furnish annually on the first Monday in July to the board of town commissioners a statement in writing of his receipt and disbursement of the school money properly and duly audited and approved by the chairman and secretary of the school committee: *Provided*, the accounts, books and vouchers of the treasurer shall be open for the inspection of the said school committee at any time.

By whom moneys received.

Treasurer shall render monthly report.

Treasurer's annual statement to town commissioners.

Treasurer's bond shall be increased.

SEC. 8. The bond now required of the treasurer of the town to protect public funds of the town in his hands shall be an amount sufficient to include double the amount received under this act, independent of the amount to secure other funds which may come into his hands. The said treasurer shall receive as compensation a commission of two per centum on the funds received from the taxes levied and collected under this act and disbursed in full for his services.

Compensation

SEC. 9. The school committee provided for by this act shall apportion the money raised or received for educational purposes in the town of Mount Airy as shall be just to the white and colored races, without discrimination in favor of or to the prejudice of either race, due regard being paid to the cost of keeping up and maintain [maintaining] the public schools of both races.

School committee shall apportion money.

Report of school committee to town commissioners.

SEC. 10. That the said committee shall make to the board of town commissioners annually, at such time as is required under the laws of the state, a report containing an accurate census of the school population of the town, showing the work done and money expended under their direction in the town of Mount Airy on account of public schools therein, a copy of which report shall be forwarded to the superintendent of public instruction in the state and a copy to the superintendent of public instruction in the county of Surry. The beginning and ending of the school year shall be fixed by the school committee.

Body corporate.  
Corporate name.

SEC. 11. The school committee hereby created shall be a body corporate by the name and style of "The School Committee of the town of Mount Airy," and by that name shall be capable of receiving gifts and grants, of purchasing and holding real estate, of selling, mortgaging and transferring the same for school purposes, of prosecuting and defending suits for or against the corporation hereby created. Conveyance to said school committee shall be to them and their successors in office, and all deeds, mortgages and other agreements effecting [affecting] real estate shall be deemed sufficiently executed when signed by the chairman and the secretary thereof and the seal of the corporation affixed thereto. The corporation shall have a corporate seal which it may break or change at pleasure.

Corporate powers.

Seal.

Second election provided for.

SEC. 12. That if at the election provided for in this act a majority of the qualified voters of said town shall not vote "For schools," then the commissioners are hereby required to submit the said question to the qualified voters of the said town on the first Monday in May, nineteen hundred (1900), under the same rules and regulations as are herein prescribed for the election to be held on the first Monday in May, eighteen hundred and ninety-nine (1899).

Conflicting laws repealed.

SEC. 13. That all laws and parts of laws in conflict with this act are hereby repealed.

SEC. 14. This act shall be in force from and after its ratification.

Ratified the 27th day of February, A. D. 1899.

## CHAPTER 268.

**An act to establish a dispensary for the town of Madison, North Carolina.**

*The General Assembly of North Carolina do enact :*

Unlawful to sell liquor, etc., in Madison, Rockingham county.

SECTION 1. That it shall be unlawful for any person, firm or corporation to sell, barter or exchange any spirituous, vinous, malt or intoxicating liquors of any kind in the town of Madison in the county of Rockingham, state of North Carolina, or within

one mile of the town limits, except as hereinafter provided, and any one violating this section shall be guilty of a misdemeanor, and upon conviction shall be fined a sum not less than fifty dollars or compelled to work on county road of Rockingham not less than three months, or both. And any person or persons who shall produce evidence sufficient for conviction under this section shall become entitled to twenty per centum of the fine imposed and collected.

Violation a misdemeanor.  
Penalty.

Informants entitled to twenty per cent of fine.

SEC. 2. That the town commissioners of the town of Madison shall on the first Friday of May, eighteen hundred and ninety-nine, elect three good and true men who shall constitute the dispensary board of the town of Madison, whose term of office shall

Commissioners shall elect dispensary board.

begin on the first day of June, eighteen hundred and ninety-nine. The members of said dispensary board 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

Term of office.

office of each member of the dispensary board, each of whom shall continue in office until the election of his successor. And vacancies occurring by expiration of term of office shall be filled

Vacancies occurring.

by said board of town commissioners, who shall elect for a term running one year beyond the longest existing term of the said members of dispensary board, and any vacancy occurring in any other way shall be filled by the said dispensary board for the remaining unexpired term. The said dispensary board before entering upon the duties of their office shall make oath that they

Dispensary board shall take oath.

will faithfully and truly carry out to the best of their ability all the provisions of this act, and the resident judge of the district may remove any of the members of said dispensary board when it shall be made to appear that he has violated his oath or been guilty of malfeasance. And the said members of the dispensary board 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 each per annum.

Resident judge may remove any member of board.

Dispensary board shall be paid.

SEC. 3. The said dispensary board on the first day of July, eighteen hundred and ninety-nine, or as soon thereafter as possible, shall establish one dispensary in said town, to be located on one of the principal streets, for the sale of spirituous, vinous and malt liquors, and there shall be no prosecution under this act for the sale of liquor until after said first day of July, eighteen hundred and ninety-nine. The said dispensary board shall elect a

Shall establish dispensary.

manager for said dispensary, who shall be a man of good character and sobriety, who shall have charge of the same under the supervision of the said dispensary board and who shall hold said position of manager at the pleasure of said dispensary board, subject to be discharged without notice. The said dispensary board may appoint such assistants or clerks as they may deem

Shall elect manager.

May appoint assistants.

- necessary, and may discharge them at pleasure without notice. The said manager shall be required to give bond payable to the town of Madison in such sum as the dispensary board may determine, not less than one thousand dollars, conditioned upon the proper accounting for all moneys that may come into his hands as such manager, and for the faithful performance of the duties of his office as 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 said dispensary board, which, however, shall never depend upon the amount of sales. The said board may likewise require bonds payable as aforesaid and in amounts as they may deem proper from such clerks or assistants as they may employ. It shall 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 kind and quantity sold, price paid and date of sale.
- SEC. 4. The manager shall and at all times keep under the supervision of the said dispensary board a stock of spirituous, vinous and malt liquors in such quantities as the dispensary board 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 Madison upon presentation of such bills, approved in writing by a majority of the dispensary board. Said manager shall sell only for cash and shall turn over all moneys received by him to the treasurer of the town on Mondays of each week, who shall keep a separate account of the same.
- SEC. 5. The mayor and board of town commissioners shall appropriate from the public treasury a sufficient amount, not to exceed seven hundred dollars, to establish a dispensary as provided for in this act, which amount shall be repaid into the town treasury from the profits of said 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 shall be necessary to keep the dispensary in operation. If for any reason there should be no money in hand to establish and maintain said dispensary said mayor and board of town commissioners are hereby authorized and empowered to borrow a sufficient amount of money, not to exceed seven hundred dollars, to establish [establish] said dispensary, or to levy and collect taxes sufficient for that purpose.
- SEC. 6. Said dispensary board shall make from time to time rules and regulations for the operation of said dispensary; the quantity to be sold to any one person to be determined by them, but in no event shall wine or liquors be sold in less quantity than
- Manager shall give bond.
- Compensation of manager.
- Manager shall keep register.
- Treasurer shall pay accounts of dispensary.
- Money shall be appropriated from public treasury for establishment of dispensary.
- Proviso.
- Mayor and commissioners authorized to maintain dispensary.
- Dispensary board shall make necessary regulations.

<p>one-half pint and none shall be opened or drunk by any purchaser in the building or on the premises where the dispensary is established, nor shall any liquors be sold to any person known to the manager or his assistants 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 at 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: <i>Provided, nevertheless</i>, that upon the written prescription of a regularly licensed physician for a bona fide patient the manager or assistant may enter at any time the dispensary, fill the prescription and deliver to the applicant on the outside of said dispensary.</p>	<p>Quantities in which sold.</p> <p>Sale of liquor to habitual drunkards prohibited.</p> <p>Hours for opening and closing.</p> <p>Proviso.</p> <p>Physician's prescription.</p>
<p>SEC. 7. The price at which spirituous, vinous or malt liquors shall be sold shall be fixed by the dispensary board: <i>Provided</i>, that the same shall not be sold for profit exceeding eighty per centum above the actual cost thereof.</p>	<p>Price.</p> <p>Proviso.</p> <p>Maximum profit.</p>
<p>SEC. 8. The manager of said dispensary or his assistants 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 packages are broken they shall be at once bottled and sealed. Said manager shall make a monthly report to the dispensary board, showing the amount of sales for the preceding month and stock on hand on the last day of the month, together with amounts of stock purchased, kind purchased and from whom purchased.</p>	<p>Sale of broken packages prohibited.</p>
<p>SEC. 9. The said dispensary board 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 not well known in the market as pure and unadulterated, and the dispensary board are required to have wine and malt liquors analyzed from time to time, to determine whether they are pure as represented. If any spirituous, vinous or malt liquors are condemned by the chemist making the analysis as impure or unwholesome, such liquors shall not be sold by the manager and payment for the same shall be refused to the person from whom such liquors were purchased.</p>	<p>Analysis of stock.</p> <p>Payment for adulterated liquors shall be refused.</p>
<p>SEC. 10. If the manager or his assistants shall procure any liquors from any person, persons, firm or corporation 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, vinous or malt liquors by mixing with coloring matter or any drug or ingredient whatever or shall mix the same with water or with other liquors of different kind or quality</p>	<p>From whom liquor shall be purchased.</p>

or to make a false entry in any book or return required by this act he shall be guilty of a misdemeanor.

Loafing prohibited.

SEC. 11. The manager of the dispensary shall not allow any person or persons to either 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 board, 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.

Distribution of liquors, etc., a misdemeanor.

SEC. 12. Any person or persons, firm or corporation who shall order for distribution or distribute to any person or persons, firm or corporation, either for a consideration or without charge or as a gift any vinous, spirituous or malt liquors within the limits prescribed by this act shall be guilty of a misdemeanor and upon conviction shall be fined by the mayor the sum of fifty dollars or sentenced to the county roads for thirty days, and the last clause of section one of this act shall apply to this section: *Provided*, this section shall not apply to liquors purchased at the dispensary.

Penalty.

Proviso.

Dispensary board shall make annual report.

SEC. 13. The dispensary board shall make an annual report to the mayor and town commissioners of the town of Madison, 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 expenses of the said dispensary, salaries paid to manager and assistants, dispensary board, and all other moneys expended on account of dispensary and moneys received on account thereof.

Books open for inspection.

SEC. 14. All books required to be kept by the manager of the dispensary shall be open to the inspection of the public.

Amount to be paid the sheriff of Rockingham.

SEC. 15. That the dispensary board shall pay to the sheriff of Rockingham 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 "Madison dispensary" a license to sell liquors under this act without first requiring from the commissioners of Rockingham county an order to issue said license.

Conflicting laws repealed

SEC. 16. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed: *Provided*, that this act shall not be construed so as to repeal any prohibitory laws already in force, and section three thousand one hundred and eleven of The Code shall not apply to this act.

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

Ratified the 27th day of February, A. D. 1899.

## CHAPTER 269.

An act for the establishment of a graded school in the town of Albemarle,  
Stanly county.

*The General Assembly of North Carolina do enact:*

- SECTION 1. The board of town commissioners of the town of Albemarle, Stanly county, North Carolina, are hereby empowered and authorized to order an election to be held in said town jointly with the municipal election on the first Monday in May, eighteen hundred and ninety-nine, and submit to the qualified voters of said town the question of establishing a graded school in said town, and the question of issuing bonds for a sum not exceeding five thousand dollars, for the purpose of buying a lot or lots and erecting thereon suitable school buildings. The said board of town commissioners shall give thirty days' notice of said election in a weekly newspaper published in said town.
- SEC. 2. That the said election shall be held under the same rules and regulations as govern the election for town officers under charter of said town, and the qualified voters of the said town shall vote at said election tickets on which shall be written or printed the words, "For school and bonds," or "Against schools and bonds," and the result of said election shall be ascertained and declared under the same rules that govern and determine the election of town officers.
- SEC. 3. That if a majority of the qualified voters of said town shall vote at the said election in favor of schools and bonds it shall be the duty of the board of commissioners of the town of Albemarle, provided for by this act, and their successors to levy annually a special tax not exceeding thirty-three and one-third cents on the hundred dollars valuation of all the taxable property of said town and upon the poll not exceeding one dollar, and the said taxes shall be collected annually by the tax collector of said town under the same rules and regulations that govern town tax.
- SEC. 4. That for the purpose and benefits of this act the town of Albemarle shall be a public school district and it is hereby named and designated "the Albemarle graded school district."
- SEC. 5. That all public school funds derived from the state and county for the use and benefits of the public school district of said town shall be paid to the treasurer of said town by the treasurer of Stanly county for the use and benefit of said graded school.
- SEC. 6. That it shall be the duty of the board of commissioners of said town, and said board is authorized and fully empowered (if a majority of the qualified voters vote for schools and bonds) to issue bonds with coupons of the town of Albemarle, not to exceed
- Commissioners of Albemarle authorized to order an election.
- Time of election.
- Bonds for graded school purposes to be voted on.
- Rules of election.
- Form of ticket.
- Commissioners empowered to levy special tax if bonds voted for.
- Maximum tax.
- Public school district.
- Application of public school funds.
- Commissioners empowered to issue bonds.

- Amount of bonds. in amount the sum of five thousand dollars and in denominations of not less than fifty dollars nor more than five hundred dollars,
- Rate of interest. bearing interest from date of bonds at the rate of six per centum and payable annually on the first day of January of each year until the said bonds are paid; that the said bonds shall be made payable
- When payable. ble at a time to be fixed by the said board of commissioners and named therein, not to be less than five nor more than twenty years from date thereof: *Provided, however,* that the said
- Proviso. board of commissioners of the town of Albemarle may divide said
- May divide bonds into classes. bonds into classes as they may determine and have them mature at different convenient dates between the limits aforesaid. It is further enacted that the said bonds and their coupons shall be numbered and the bonds shall be signed by the mayor of the town of Albemarle 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 and treasurer of said town, and a full record of bonds and coupons shall be kept by the secretary of said board of commissioners.
- Bonds, how numbered and signed. 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 the said treasurer and sureties on his official bond shall be liable, account for and pay over the amount of bonds as sold. It is further enacted that the said treasurer shall keep separate from all public money coming into his hands the moneys arising from the sale of said bonds, and the same shall be expended and exclusively applied by The Board of School Commissioners of the town of Albemarle to the purchase of suitable lot or lots and the erection thereon [of] a suitable school building and the furnishing and equipping of the same for school purpose.
- How bonds shall be sold. SEC. 8. That the special taxes mentioned in article three 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 money thus arising from special taxes separate and apart from the other public money 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 and secretary of said Board of School Commissioners and by the mayor of said town, and the treasurer shall pay out the money arising from the sale of said bonds upon warrant or order duly signed as is required in case of warrants and orders for the payment of other school funds mentioned in this section.
- Said moneys shall constitute a separate fund. SEC. 9. That for the purpose of this act there is created a Board
- To whom paid.
- On what order money shall be paid out.

of School Commissioners for the town of Albemarle, and this board shall consist of nine members and shall be divided into three classes. Terms of office of the first class shall expire at the end of two years; the second class at the end of four years, and those of the third class shall expire at the end of six years, and as their terms shall expire there shall be elected at the regular election had for said town of Albemarle three school commissioners respectively at each election as other officers of said corporation, each class to date from the first Monday in May, eighteen hundred and ninety-nine. The different classes shall consist of the following persons: First class: A. S. Lentz, R. E. Austin, J. D. Bivens. Second class: S. H. Milton, L. A. Moody and J. A. Hathcock. Third class: S. H. Hearne, J. W. Snuggs and J. M. Brown. In case of vacancy of office on said Board of School Commissioners at any time between dates of election that said vacancy may be filled by a majority vote of the whole number of school commissioners to fill out the unexpired term. That all warrants and orders on the treasurer of the town of Albemarle for money appropriated by this act shall be passed upon by The Board of School Commissioners before being signed by the said treasurer and other officers as is heretofore prescribed in this act.

SEC. 10. That The Board of School Commissioners for the town of Albemarle shall have entire and exclusive control of the said graded school, shall employ and fix compensation of officers and teachers, shall make an accurate census of the school population of the said town as is required by the general school law, and do all other acts that may be necessary, just and lawful for the management of said graded school, and the board of such school commissioners of the said town of Albemarle shall constitute a body corporate under the name and style of "The Board of School Commissioners of the town of Albemarle," with power to sue and be sued and 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. 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 effecting [affecting] real estate and personal property shall be deemed sufficiently executed when signed by the chairman of said Board of School Commissioners and a majority of the other commissioners.

SEC. 11. That it shall be the duty of said Board of School Commissioners to make an annual report on Friday before the first Monday of May in each year of all the workings of the school, in-

Board of school commissioners created.  
Term of office.

Temporary commissioners.

Vacancies occurring.

School commissioners shall have exclusive control of said schools.  
Census of population.

Body corporate.

Corporate name.  
Corporate powers.

Commissioners shall make annual report.

cluding the improvements and expenditures, to the mayor of said town.

Students outside corporate limits.

SEC. 12. That said Board of School Commissioners may allow students to attend school who lives outside of the incorporate limits where they pay for the same, or free of charge when public school money is being taught out.

Treasurer and tax collector shall give increased bonds.

SEC. 13. That the treasurer of the town and 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 mayor of the town.

Conflicting laws repealed.

SEC. 14. That all laws and clauses of laws in conflict with this act be and are hereby repealed.

SEC. 15. That this act shall be in force from and after its ratification.

Ratified the 27th day of February, A. D. 1899.

#### CHAPTER 270.

##### An act to change the boundary line between Grassy Creek and Hilton townships, in Ashe county.

*The General Assembly of North Carolina do enact:*

Boundary line between Grassy Creek and Hilton townships, Ashe county, changed.

SECTION 1. That the boundary line between the townships of Grassy Creek and Hilton in Ashe county be changed so as to run as follows: Beginning at the mouth of Long Branch; thence up said branch on the west side to the forks of said branch so as to include all the public road running with said branch in Grassy Creek township; then from the forks of said branch with the ridge between Wesley Plummer's and William Waddell's to the Virginia line.

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

Ratified the 27th day of February, A. D. 1899.

#### CHAPTER 271.

##### An act to authorize the commissioners of Carteret county to apply certain surplus funds to the payment of current expenses and floating debt.

*The General Assembly of North Carolina do enact:*

Commissioners of Carteret county authorized to apply surplus money to payment of bonded debt.

SECTION 1. That the board of commissioners of Carteret county be and they are hereby authorized and empowered to apply annually any surplus money that may come into the hands of the county treasurer of said county arising from the levy and collec-

tion of taxes for the payment of the bonded debt of the county known as the railroad debt, to the payment of the current expenses and the local or floating indebtedness of the county: *Provided*, Proviso. that such surplus be available for such purpose only after each annual payment of said railroad debt.

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

Ratified the 27th day of February, A. D. 1899.

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CHAPTER 272.

An act to extend the time for the settlement of state and county taxes of Buncombe county.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the tax collector for the county of Buncombe shall be allowed until the fifteenth day of June of each and every year to settle his state taxes with the treasurer of the state. Time for settlement by tax collector of Buncombe county with state treasurer extended.

SEC. 2. That the tax collector of Buncombe county shall be allowed until the fifteenth of June of each and every year to settle the county taxes with the board of commissioners of Buncombe county. Time for settlement with county commissioners extended.

SEC. 3. That this act shall apply to the fiscal year, eighteen hundred and ninety-eight. Shall apply to 1898.

SEC. 4. This act shall be of no effect after the fifteenth of June, eighteen hundred and ninety-nine: *Provided*, chapter one hundred and fifty of laws of eighteen hundred and eighty-three, as amended, be repealed. Proviso.

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

Ratified the 27th day of February, A. D. 1899.

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CHAPTER 273.

An act to amend section twelve of chapter four hundred and ten of public laws of eighteen hundred and ninety-seven in relation to dispensary at Rutherfordton.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section twelve of chapter four hundred and ten of the public laws of eighteen hundred and ninety-seven be amended as follows: strike out the words "annually on fourth day of March" in line two of said section and insert instead Chapter 410, public laws of 1897, relative to application of certain moneys in Rutherford county, amended.

thereof the following words: "quarterly on fourth days of January, April, July and October in each year." Said profits going to the town to be applied by the town authorities for working the public streets of said town and the profits going to the county to be applied to the working of the public roads in said county under the convict system or otherwise.

SEC. 2. This act shall be in force from and after its ratification. Ratified the 27th day of February, A. D. 1899.

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CHAPTER 274.

**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 :*

Commissioners of Transylvania county empowered to levy special tax to pay off county indebtedness.

Constitutional equation shall be preserved.

Time and manner of collection.

SECTION 1. That the board of county commissioners of Transylvania county are hereby authorized and empowered at their regular annual meeting in June, eighteen hundred and ninety-nine (1899), and nineteen hundred (1900), 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 cents on every hundred dollars worth of property and sixty cents on each poll subject to taxation.

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 law.

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

Ratified the 27th day of February, A. D. 1899.

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CHAPTER 275.

**An act for the relief of Annie L. Winston, of Caswell county,**

*The General Assembly of North Carolina do enact :*

Treasurer of Caswell county directed to pay Annie L. Winston \$28.16 for teaching.

SECTION 1. That the county treasurer of Caswell county be and is hereby directed to pay out of the school funds of district number twenty-eight, school district, county of Caswell, the sum of twenty-eight dollars and sixteen cents (\$28.16) to Annie L. Winston for teaching school in said district.

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

Ratified the 27th day of February, A. D. 1899.

## CHAPTER 276.

## An act to establish a dispensary at Clayton, 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 Clayton in Johnston county, state of North Carolina, except as hereinafter provided in this act.

Sale of liquors in Clayton, Johnston county, prohibited.

SEC. 2. That D. H. McCullers, A. J. Barbour and C. M. Thomas are hereby appointed dispensary commissioners for said town of Clayton, and who shall be known as dispensary commissioners, who shall hold their office respectively for one, two and three years, 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 term has not expired shall nominate an elector of the town to fill the office made vacant by the expiration of the term of said dispensary commissioner, and upon the approval of the nomination by the town commissioners he shall become a dispensary commissioner for the term of three years; should the town commissioners reject the nomination 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 board of 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 clerk of the town commissioners. If from any cause the dispensary commissioners shall fail for thirty days to nominate a commissioner to succeed one whose term has expired, then it shall be the duty of the town commissioners to elect a citizen and voter of the town of Clayton to fill the office then vacant.

Dispensary commissioners created.

Term of office. Election of successors.

Rejection of nominee by town commissioners.

Dispensary commissioners shall make oath.

Failure of dispensary commissioners to supply vacancy.

SEC. 3. That it shall be the duty of the dispensary commissioners first appointed under this act to provide a suitable place for the sale of liquors within the corporate limits of the town of Clayton, which shall not be within three 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 of Clayton.

Suitable place for dispensary to be provided by dispensary commissioners.

Duties of manager.

SEC. 4. That a manager shall be chosen by said dispensary commissioners who shall have charge of the dispensary and the management thereof under the control of said dispensary com-

Election and duties of manager.

- Manager shall give bond.
- Commissioners, and he shall be subject to dismissal for any cause which said dispensary commissioners shall in their discretion deem sufficient: the manager shall give bond in a sum to be fixed by the 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 under the direction of the dispensary commissioners. The manager shall be paid a salary to be fixed by the 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 shall be the duty of the manager to keep a register on which shall be recorded the names of the persons to whom any liquors are sold, the quantity sold, price paid and date of sale. That the dispensary commissioners shall have the power to employ assistant managers or to fill temporary vacancies on account of sickness of manager or any other cause.
- Compensation.
- Manager shall keep register.
- Manager shall supply stock.
- SEC. 5. The manager of the dispensary shall at all times keep under the supervision of the dispensary commissioners a stock of vinous, malt and spirituous 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 dispensary commissioners; the said manager shall sell only for cash, and shall turn over or deposit all moneys received by him to or under the direction of the dispensary commissioners.
- Dispensary commissioners shall make rules and regulations for operation of dispensary.
- SEC. 6. That the 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 sold 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 or under the influence of liquor. 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 as makes the sale of liquors unlawful under the laws of this state.
- Sales prohibited to drunkards and minors.
- Hours of opening and closing.
- Price.
- Proviso.
- SEC. 7. That the price at which spirituous, vinous and malt liquors shall be sold shall be fixed and determined by the dispensary commissioners: *Provided*, the same shall not be sold for a profit exceeding eighty (80) per centum above the actual costs thereof.
- Shall only be sold in sealed packages.
- SEC. 8. That 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 open or broken packages in said dispensary. That the said manager shall make

a monthly report, or oftener if so required, to the dispensary commissioners, showing the amount of sales for the preceding month and stock on hand at last day of the month. Monthly report.

SEC. 9. That the 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 liquors shall be sold in said dispensary that are not pure and unadulterated. And if any liquors shall be condemned as impure and adulterated such liquors shall not be sold by the manager and payment of the same shall be refused to the person from whom such liquors were purchased. Analysis of liquors to be made.

SEC. 10. That no spirituous, vinous or malt liquors shall be sold in said dispensary for the purpose of selling again, and any person or persons purchasing any liquors at said dispensary for the purpose of selling again shall be guilty of a misdemeanor. Liquors shall not be sold for purpose of selling again.

SEC. 11. That the manager of the dispensary shall not allow any person or persons to loiter in or about the dispensary or upon the premises upon which the same 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 or the premises upon which the same is situated shall be punished upon conviction in the mayor's court as shall be punished [provided] in the town ordinances. Loitering prohibited.

SEC. 12. That the board of town commissioners of the town of Clayton shall from time to time pass such ordinances as may be necessary to carry out the premises of this act and shall provide suitable penalties for violation of this act. Commissioners may pass ordinances necessary to execute this act.

SEC. 13. That the commissioners of the town of Clayton shall appropriate from the town treasury a sufficient amount to establish the dispensary as provided for in this act, which amount shall be repaid into the town 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. Commissioners shall appropriate sufficient sum to establish dispensary.

SEC. 14. That the dispensary commissioners shall make an annual report to the town commissioners 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 said dispensary, salary paid the manager, dispensary commissioners, and all other moneys expended on account of said dispensary and moneys received on account thereof. Dispensary commissioners shall make annual report.

SEC. 15. That the dispensary commissioners shall pay to the sheriff of Johnston county a sum equal to the tax levy by the county and state for retail dealers of spirituous liquors, for which the said sheriff of said county shall issue to the "manager of Clayton dispensary" a license to sell liquor under this act with- Dispensary commissioners shall pay sheriff of Johnston certain moneys.

out first requiring from the commissioners of Johnston county an order to issue said license.

Dispensary commissioners shall be compensated.

SEC. 16. That the dispensary commissioners shall be paid for their services the sum of twenty five dollars per annum.

How profits shall be applied.

SEC. 17. That one-half of the profits arising from the sales of said dispensary shall be paid into the treasury of the town of Clayton to the use of said town, to be expended as the town commissioners may direct. The other half of the profits arising from the sale of liquors in said dispensary shall be paid to the county treasurer and be by him credited to the free public school fund for districts number ----, the same being free school district in which the town of Clayton is situate, and the same shall be expended for free school purposes under the direction and supervision of the commissioners of Clayton.

Commission shall receive moneys.

SEC. 18. That the commissioners shall receive from the manager all moneys derived from the sale of liquors and shall pay the same out as provided for in this act.

SEC. 19. That all laws and clauses of laws in conflict with this act are hereby repealed, and that section three thousand one hundred and eleven of The Code is hereby repealed as to its application to this act.

SEC. 20. That this act shall be in force from and after the first day of July, eighteen hundred and ninety-nine.

Ratified the 27th day of February, A. D. 1899.

## CHAPTER 277.

### An act to provide for proving town ordinances on appeal from mayor's court.

*The General Assembly of North Carolina do enact:*

Town ordinances admitted on appeal with certificate of mayor.

SECTION 1. That in all cases of appeal from mayor's court to the superior or other court of appeal, when the offense charged is the violation of a town ordinance, the mayor shall send with the papers in the case a true copy of the ordinance alleged to have been violated, and shall certify under his hand and seal that said ordinance was in force at the time of the alleged violation of the same.

Such certified copy prima facie evidence of existence of ordinance.

SEC. 2. That in the trial of appeals from mayors' courts, when the offense charged is the violation of a town ordinance, a certified copy of the ordinance alleged to have been violated, certified as prescribed in section one of this act, shall be prima facie evidence of the existence of such ordinance.

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

Ratified the 27th day of February, A. D. 1899.

## CHAPTER 278.

**An act for better roads in Wake county.**

*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any farmer, person or persons having drains, ditches or terraces on their farm or farms, whether owner or tenant, to let same be, remain or lay off the same so as to run water into any public road without first making a sufficient good way on the roadside or other way for the escape of the water without washing or injuring the road.

Unlawful to run water on public roads without making way for drainage.

SEC. 2. That any person or persons violating this act shall be guilty of a misdemeanor and on conviction thereof be fined not less than five dollars nor more than twenty-five (\$25) dollars.

Violation a misdemeanor. Penalty.

SEC. 3. That it shall be the duty of the overseer to report any violation of this act to the board of supervisors of roads in his township or any justice of the peace of his township who shall at once take legal action in prosecuting the case.

Overseers shall report violation.

SEC. 4. That this act shall apply only to Wake county.

Applies only to Wake county.

SEC. 5. This act shall take effect on and after the first day of May, eighteen hundred and ninety-nine.

Ratified the 27th day of February, A. D. 1899.

## CHAPTER 279.

**An act to prevent hunting on lands in Rowan county without consent of owner of land.**

*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any one to hunt on any land or lands in Rowan county with gun, dog or otherwise without the written consent of the owner of the land or lands.

Hunting in Rowan county without written consent of owner of land unlawful. Misdemeanor.

SEC. 2. Every person violating 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 more than thirty days.

Penalty.

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

Ratified the 27th day of February, A. D. 1899.

## CHAPTER 280.

## An act to prevent the ranging of live stock in Graham county by non-residents.

*The General Assembly of North Carolina do enact :*

Ranging of live stock in Graham county by non-residents unlawful.

SECTION 1. That it shall be unlawful for any person not a resident of this state to range or cause to be ranged any horses, mules, cattle, sheep or other live stock within the borders of Graham county.

On information sheriff shall seize live stock at large and advertise for sale.

SEC. 2. That if any live stock as aforesaid shall be found at large within the boundaries of said county it shall be the duty of any person who has information of the fact to immediately report the same to some magistrate who shall upon such information issue an order to the sheriff of said Graham county commanding him to proceed at once to seize the same. It shall be the duty of the sheriff to advertise the same at the court-house door and three other public places in said county for twenty days, which notice shall describe the property so seized, give the name of the supposed owner, the cause of the seizure and day of sale as provided in this act.

If property is not redeemed in twenty days sheriff shall sell.

SEC. 3. That if said property is not redeemed within twenty days as hereinafter provided the sheriff shall sell the same on the day specified at the court-house door in said county to the highest bidder for cash and apply the proceeds as follows, to wit: Five dollars and regular witness fees to the informer, all the costs and expenses of the proceeding and the remainder to the public school fund of said county.

Owner of stock may redeem same by paying costs.

SEC. 4. That owners of the stock so seized may at any time previous to the day of sale redeem the same by paying all costs and expenses and the allowance made by this act to the informant, and immediately driving said live stock beyond the borders of the county.

Non-resident stock shall not be permitted to range either for rent or hire.

SEC. 5. That no resident of Graham county shall take the live stock of a non-resident of this state to range within the borders of the county either for rent or hire, and any stock so held or ranged shall be seized and sold as if being ranged by non-residents: *Provided*, that this act shall not be construed to prevent any non resident of the state from ranging ten head of live stock for every one hundred acres of land owned by him or his herdsman in said county.

Proviso.

Conflicting laws 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 27th day of February, A. D. 1899.

CHAPTER 281.

An act to prohibit the manufacture and sale of spirituous liquors within three miles of Centre Presbyterian church, Davidson township, in Iredell county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful to manufacture or sell spirituous or malt liquors within three miles of Centre Presbyterian church in Davidson township, Iredell county.

Manufacture or sale of liquor in certain parts of Iredell county a misdemeanor.

SEC. 2. That any person, company or corporation violating this act shall be guilty of a misdemeanor and fined for each and every offense not exceeding fifty dollars or imprisoned not exceeding thirty days.

Misdemeanor. Penalty.

Ratified the 27th day of February, A. D. 1899.

CHAPTER 282.

An act to change the name of Shelter creek, in Pender county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the name of Shelter creek in Pender county, North Carolina, is hereby changed to that of Shelter river.

Name of Shelter creek, in Pender county, changed to Shelter river.

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

Ratified the 27th day of February, A. D. 1899.

CHAPTER 283.

An act to more effectually protect schools and religious gatherings in Jackson county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That any person who shall exhibit himself intoxicated or be found in a drunken condition within two hundred yards of any school house or church in Jackson county during the hours that students are assembling for the purpose of attending at any school house in said county where a term of school is then in progress or during the time the citizens of said county or any number of them are assembling for the purpose of attending or taking part in an entertainment to be held under the auspices of any such school or during the hours that any such school or

Drunkenness near school houses and houses of worship between hours in Jackson county a misdemeanor.

entertainment is in progress or during the time that the students or citizens then and there assembled shall be departing therefrom or during the time the citizens or any number of them are assembling at any church in said county of Jackson for the purpose of engaging in religious worship or during the hours they are engaged in religious worship or during a reasonable time for their departure therefrom shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned or both for each and every offense in the discretion of the court: *Provided*, this act shall apply to the Cullowhee High School in said county for the distance of a quarter of a mile.

Proviso.

Shall apply to Cullowhee High School within quarter mile. Misdemeanor.

SEC. 2. That any person found drunk or intoxicated on the public highway or public road or at any public meeting not enumerated as aforesaid shall be guilty of a misdemeanor and upon conviction fined or imprisoned or both for each and every offense in the discretion of the court.

Penalty.

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

Ratified the 27th day of February, A. D. 1899.

#### CHAPTER 284.

An act for the relief of S. D. Dellinger, of Yancey county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the county treasurer of Yancey county pay to S. D. Dellinger one hundred dollars out of the school funds of said county.

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

Ratified the 27th day of February, A. D. 1899.

#### CHAPTER 285.

An act to protect mountain trout in Graham, Watauga, Cherokee, Clay, Macon, Haywood counties.

*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any person or persons operating sawmills in Graham, Watauga, Cherokee, Clay, Macon and Haywood counties to let the sawdust from their mills go into any stream containing mountain or brook trout.

Unlawful for operators of sawmills to empty sawdust in streams containing trout in certain counties.

SEC. 2. That any person violating the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned in the discretion of the court.

Violation of this act a misdemeanor.

Penalty.

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

Ratified the 27th day of February, A. D. 1899.

#### CHAPTER 286.

An act to repeal chapter two hundred and seven of the public laws of eighteen hundred and ninety-five, and chapter one hundred and seventy-three of the public laws of eighteen hundred and ninety-seven, and to provide for the working and improvement of the public roads in Watauga, Ashe and Alleghany counties.

*The General Assembly of North Carolina do enact :*

SECTION 1. That all roads that have been laid off, out or appointed by virtue of any act of the assembly or any order of the court or board of county commissioners are hereby declared to be public roads; and the board of county commissioners as hereinafter in this chapter set forth shall have full power and authority within their respective counties to order the laying out of public roads where necessary, to appoint where bridges shall be made, to discontinue such roads as shall be found useless and to alter roads so as to make them more useful.

Public roads as regards certain counties defined.

Commissioners empowered to lay off certain roads, etc.

SEC. 2. That the justices of the peace of the various townships shall meet at some convenient place in their townships on the first Monday in April, eighteen hundred and ninety-nine, and each succeeding year thereafter, and elect three of their number as road supervisors, who shall be styled the board of road supervisors for their respective townships, whose term of office shall be one year.

Board of road supervisors, election of.

SEC. 3. That said board of supervisors so elected shall on the first Monday in April, eighteen hundred and ninety-nine, and each succeeding year thereafter, elect one of their number chairman and one of their number clerk, and thus organized shall have the supervision and control of the public roads in their respective townships, and it shall be the duty of the clerk to keep a record of all proceedings of the board with respect to the public roads of their several townships, and said clerk shall have charge of all books and papers of the board and issue all orders made by said board.

Election of chairman and clerk.

Duties of clerk of board.

SEC. 4. That said board of supervisors shall be required to hold three regular meetings in each year, to-wit: on the first Monday in April, August and December, for the purpose of looking after

Regular meetings of board.

When board shall examine roads. the public roads of their respective townships; and said board shall have such other meetings as they may deem necessary, and it shall be their duty to make a personal examination and inspection of the road of their respective townships once a year, such examination to be made within ten days next before their meeting in August: *Provided*, that the supervisors shall receive no compensation for their services in this respect.

Proviso. SEC. 5. The said board of supervisors shall annually at their meeting in April divide the roads of their townships into sections and appoint overseers for such sections at said meetings. They shall at the same time allot the hands to said overseer and shall also designate the boundaries or points to which each resident shall be liable to work on said section, and shall within five days after such meeting certify to each overseer a written notice of his appointment with a list of hands assigned to his section: *Provided*, that the board of supervisors may at any time alter the section or allotment, but shall give notice thereof to the overseer; such overseer shall serve and be liable as such for neglect of duty until he shall be relieved by the board, which shall be done only upon his showing that his road is in good condition as prescribed by law. The overseer may resign after twelve months:

Overseer may resign after twelve months. *Provided*, his road shall be in good repair, and the board of supervisors shall so find; any overseer so resigning and whose resignation has been accepted by the board shall not without his consent be again appointed overseer until after the expiration of two years from the date of his resignation. When a public road shall be a dividing line between townships the board of supervisors of the respective townships shall assume equal responsibility in keeping up such road, and to this end may divide the same.

When public road is dividing line between townships. SEC. 6. All able bodied male persons between the ages of eight-  
 Persons liable to road duty. teen years and forty-five years shall be required under the provisions of this chapter to work on public roads, except the members of the board of supervisors of public roads, but no person shall be compelled to work more than eight days in any one year, except in case of damage resulting from a storm.

Persons exempted. Board sole judge of personal infirmity. SEC. 7. No person between the ages prescribed shall be exempted from working upon the public roads except such as shall be exempted by the general assembly or by the board of supervisors of the township on account of personal infirmity, of which the said board shall be the sole judge.

Overseer may summon hands. SEC. 8. The overseer of the road shall, as often as the road shall require subject to the limitation in the preceding section, summons the hands of his section to work on the road, but the said hands shall not be required to work continuously for a longer time at any one time than two days, and at least fifteen days shall intervene between workings, except in case of special dam-

Maximum successive service.

age to the road resulting from a storm. The notice shall be at least three days before the day named for the work, and shall state the hour and place named for the meeting of the hands, and what implement he shall bring with him. If said notice shall be left at the house or place where said hand is staying for said period of time it shall be sufficient. Every person liable to work on the road who has been so summoned shall appear at the time and place named and with the implement directed, and shall work under the direction of the overseer until discharged by him: *Provided*, that eight hours shall constitute a day's work. Any person summoned as aforesaid who shall by twelve o'clock of the day preceding the one appointed for work on the road pay to the overseer the sum of sixty-five cents, shall be relieved from working on the road for one day. The money thus collected by the overseer shall be by him applied on the working and repairing of the road: *Provided further*, that any person who shall furnish one able-bodied hand as a substitute with the implement directed shall be held to have complied with this chapter.

SEC. 9. Any person liable to work on the road who shall fail to attend and work as hereinbefore provided or having attended shall refuse to obey the direction of the overseer or shall spend the time in idleness or any inattention to the duties assigned him shall be guilty of a misdemeanor and fined not less than two dollars nor more than five dollars or imprisoned not exceeding thirty days, and any money so collected shall be applied by said overseer to the improvements of the roads in his section or division, and if any defendant shall be unable to discharge the judgment and cost that may be recovered against him the cost shall be paid by the county as in other criminal actions where defendant is unable to pay.

SEC. 10. Every overseer shall at each and every meeting of the board of supervisors of his township make report to them of the present condition of his road, of the number of days worked on his section since last meeting, of the number of hands who attended and worked each day, of the number and names of hand who failed to attend and work, of the number and names who attended and refused to obey the directions of the overseer and spent their time in idleness, whether or not they were legally summoned and whether or not they paid the sixty-five cents as provided. The said overseer shall before some person authorized to administer an oath make written affidavit that the report is true and correct. Upon this report sworn to as aforesaid if it shall appear that any of the hands, after being legally summoned, have failed to attend and work on said road or that they did not pay the sixty-five cents, then it shall be the duty of the said supervisor or any one of them to issue or cause to be issued a war-

Notice required.

Persons summoned shall appear.

Proviso.

In lieu of personal service, money, how applied.

Proviso.

Failure to perform duty a misdemeanor.

Penalty.

Fines, how applied.

Overseers shall make report.

Overseer shall make written affidavit.

Proviso. rant for the arrest of any such hand, and shall put him upon trial for the offense: *Provided*, that the overseer may make report to the chairman of the board at any time and said chairman may direct such prosecution.

Supervisor shall make report of moneys collected. SEC. 11. The said overseers shall at the meeting of the supervisors in April make a report of all moneys collected by them from parties excused from work on the road for the preceding year, all fines and penalties collected from delinquents and all other moneys handled or used by them for road purposes, with a state-

Overseer's failure to discharge duties a misdemeanor. ment as to how the same was expended. If any overseer shall fail to discharge any one of the duties imposed by this chapter he shall be guilty of a misdemeanor and on conviction shall be

Penalty. fined not less than five dollars or imprisoned not exceeding thirty days. In case of failure of any overseer to make any report to the board of supervisors of public roads of his township as provided in this chapter it shall be the duty of the chairman of such board immediately upon such failure to make a sworn statement of the facts before some justice of the peace not a member of said board, who shall immediately issue his warrant for the arrest of said overseer and proceed to try him for the offense.

Rights of supervisors and commissioners regarding roads. SEC. 12. The board of supervisors shall have the right to lay out and discontinue cartways, and the board of commissioners of the county only shall have the right to lay out and establish and discontinue public roads: *Provided*, that in laying out and estab-

Proviso. Jurors summoned. lishing cartways and for the purpose of assessing damage to property by reason of the same three jurors only shall be summoned or required: *Provided further*, that either party may appeal from

Proviso. Either party may appeal. decision of the board of supervisors to the board of commissioners of the county.

Supervisors shall report to superior court. SEC. 13. The board of supervisors shall annually make report to the fall term of the superior court of their county of the condition of the roads of their townships, and if the meetings provided for in this chapter have been held by said board the judge holding such term of the superior court shall after his charge to the grand jury and before they shall retire to their room call upon the clerk of the court for such reports, and they shall then

Delivered to foreman of grand jury. and there be delivered to the foreman of the grand jury; and if any board of supervisors shall fail to make said report or to discharge any other duty imposed by this chapter they shall be guilty of a misdemeanor and on conviction be fined or imprisoned or both in the discretion of the court; and the indictment may be against the board of supervisors or against the individuals composing it.

Failure to make report a misdemeanor. Penalty. SEC. 14. All roads except such as are causewayed or through cuts or rock ledges or cliffs or on a hillside shall not be less than sixteen feet wide, clear of trees, logs and other obstructions to the

Width of roads. width of roads.

passage of ordinary vehicles, and there shall be ten feet in width in the center of the roadway, clear of stumps and runners; where it may be deemed expedient by the overseers to make or repair causeways on the same, they shall be at least fourteen feet wide and constructed so as to form a drain on each side of the causeway; and they shall make of the same width any necessary bridge through swamps and over small streams of water: *Provided*, that in opening new roads and making extensive amendments on old ones, and the whole of the new road or the amendments on the old one can not be built the required width, the overseer may open said road and make sufficient turnouts for the passage of vehicles until the same can be completed.

Kind of construction.

Proviso.

SEC. 15. Overseers may lawfully cut poles and other necessary timber for repairing and making bridges and causeways, and whenever earth shall be needed on a public road and it can not be conveniently procured on either side of the causeway the overseer may lawfully take the earth from any adjoining land: *Provided*, that nothing contained in this section shall authorize the overseer to cut or remove shade trees or trees kept for ornamental purposes unless the same are an obstruction to the road; and the overseer may lawfully enter on any adjoining lands for the purpose of making ditches for the better drainage of said road, doing as little damage to the owner thereof as in his judgment the circumstances will allow.

Overseer may perform certain acts.

Proviso.

SEC. 16. The owner of the land and timber thus used may file his petition before the board of commissioners of the county wherein the injury is done and for damages sustained thereby the board is authorized to make such compensation as in their opinion is proper and just.

Owner of land and timber may file petition for damages.

SEC. 17. Every overseer of the road, when the township board of supervisors may so direct, shall cause to be made and keep in repair for the convenience of travellers on foot good and sufficient footways over all swamps and streams of water that may cross that part of the road allotted to him, and shall also erect and keep in repair necessary hand rails.

Overseer shall make certain repairs at direction of supervisors.

SEC. 18. Overseers shall cause to be set up at the forks of their respective roads a part or parts with arms pointing the way of each road with plain and durable directions to the most public places to which they lead, and with the number of miles from that place, as nearly as can be computed; and every overseer who shall neglect to do so in six months after his appointment and keep the same in repair shall be guilty of a misdemeanor and upon conviction be fined not less than five dollars or imprisoned not more than thirty days, and any money derived from fines to be applied as provided in section nine of this act.

Overseers shall set up signs at cross roads.

Violation of this section misdemeanor Penalty.

SEC. 19. Any person who shall wantonly remove, knock down

Persons defacing signs, etc., guilty of a misdemeanor.

or deface the said posts, arms or any mile mark shall for every such offense forfeit and pay ten dollars, one-half to the informant and the other half to the use of the road fund of the township in which it occurs, and be guilty of a misdemeanor and upon conviction be fined or imprisoned at the discretion of the court.

Penalty.

Roads shall be measured and mile posts erected.

SEC. 20. Every overseer of a road shall cause the same to be exactly measured, where it has not already been done, and at the end of each mile shall mark in a plain, legible and durable manner the number of miles, beginning, continuing and marking the number in such manner and form as the board of supervisors shall direct, and every overseer shall keep up and repair such marks and numbers of his road. If any overseer shall neglect any of the duties prescribed in this section for the space of thirty days after notice of his appointment to office he shall forfeit and pay four dollars to the use of the road fund of his township and the like sum for every thirty days thereafter the said marking may be neglected.

Neglect of duties by overseer.  
Penalty.

Neglect of duty by overseer.

SEC. 21. Every overseer who shall neglect to do any other duty by this chapter directed to be done, or who shall not keep the roads and bridges in repair, or shall let them remain out of repair during a space of ten days unless hindered by extremely bad weather or other unavoidable circumstances, shall forfeit and pay for every such offense four dollars to the use of the road fund of the township and be liable for such damages as may be sustained: *Provided*, that nothing in this section shall excuse any neglect of duty by an overseer, and made indictable as the same is prescribed in any other part of this chapter.

Penalty.

Duty of certain persons to keep bridges in repair.

SEC. 22. It shall be the duty of every owner of a water mill which is situate on any public road and also of every person who for the purpose of draining his lands or for any other purpose shall construct any ditch, drain or canal across a public road respectively, to keep at his own expense in good and sufficient repair all bridges that are or may be necessary across such ditch, drain or canal, immediately over which a public road may run, and also to erect and keep in repair all necessary bridges over such ditch, drain or canal on the highway so long as they may be needed by reason of the continuance of said mill or mill dam, ditch or canal: *Provided*, that nothing herein shall be construed to extend to any mill which was erected before the laying off of such road, unless the road was laid off by the request of the owner of the mill: *Provided further*, that the duty hereby imposed on the owner of the mill and on the person cutting the drain or canal shall continue on all subsequent owners of the mill or other property for the benefit of which the said drain, ditch or canal was cut: *Provided also*, that when any ditch or drain originally constructed across any public road and bridged for the

Proviso.

convenience and safety of the travelling public, has or may hereafter be enlarged by the owner of adjacent lands to drain his lands it shall be the duty of such owner to keep up and in repair all bridges crossing such ditch, drain or canal, and that such charge shall be imposed upon all subsequent owners of the lands so drained, and that any person throwing a bank of dirt in the main road shall be compelled to spread the same.

SEC. 23. Every person who shall fail to perform the duties imposed upon him in the preceding section or shall leave out of repair any such bridge for the space of ten days, unless prevented by unavoidable circumstances, shall be liable for such damage as may be sustained and shall be guilty of a misdemeanor and fined and imprisoned at the discretion of the court.

Persons failing to perform duties prescribed in preceding section liable.

Penalty.

SEC. 24. That it shall be unlawful for any person, firm or corporation to place and operate any steam sawmill within one hundred and fifty feet of any public road or turnpike, and it shall be unlawful for any person, firm or corporation to erect and operate any water mill with overshot or undershot wheel within one hundred and fifty feet of any public road or turnpike unless such wheel is protected from sight of public road by proper screen or covering: *Provided*, that where water mills using such wheels are now constructed and are being operated within the limits aforesaid it shall be the duty of the owner thereof to provide screens or covering for such wheels within ninety days after the passage of this act. Any one violating any of the provisions of this section shall be guilty of a misdemeanor.

Industries that may not be operated within a certain distance of the road.

Proviso.

SEC. 25. The board of county commissioners shall not establish or order the laying out of any public road or discontinue or alter such road unless upon petition in writing, and unless it appear to the board that every person over whose land the said road may pass shall have had twenty days' notice of the intention to file such petition: the same shall be filed in the office of the clerk of the board until the succeeding meeting of the board and notice thereof be posted during the same period at the court-house door, at which meeting the board shall hear the allegations set forth in the petition, and if sufficient reason be shown the board shall order the laying out or discontinue or alter said road as the case may be.

Commissioners shall not lay out roads unless upon petition, etc.

SEC. 26. In all applications provided for in the preceding section, the board of county commissioners may direct how and by whom the costs shall be paid, and any person may appeal to the superior court at term time, and if any person shall appeal from the board on such petition he shall give bond to the opposing party in a reasonable sum before said board of commissioners, and the superior court at term shall hear the whole matter anew and where any proceeding is instituted to lay out, establish, alter

By whom costs paid.

Any person may appeal.

or discontinue public roads and the said proceeding is carried to the superior court in term time by appeal or otherwise, the parties to said proceeding shall be entitled to have every issue of facts joined in said proceeding tried in the superior court in term time by jury, and from the judgment of the superior court either party may appeal to the supreme court as is provided in other cases of appeal.

Either party may appeal from superior court.

How roads shall be laid out.

SEC. 27. All roads and amendments thereto shall be laid out by a road surveyor and two freeholders to be appointed by the board of county commissioners at the time the order is made for the laying out of said road, and the said board shall cause the said surveyor and freeholders to be served with a copy of said order within ten days after their appointment, and the said surveyor and freeholders who shall act as his assistants in making the survey and making the grade for said road shall within thirty days after notice of their appointment, unless hindered by sickness, bad weather or other unavoidable circumstances, meet upon the line designated in the order, and after being sworn proceed

Shall be sworn.

to lay out and grade said road to the greatest advantage to the public and inhabitants of the neighborhood and with as little prejudice as may be to lands and inclosures, and the said surveyor and freeholders shall on oath ascertain and assess such damage as private persons may sustain, and in assessing such damages they shall take into consideration any advantage which may accrue to the owners of the land over which said road may pass, and all damages by them assessed shall be deemed a county charge: *Provided*, that where damage is claimed and the surveyor and freeholders shall be interested or of kin, a justice of the peace of the township and two freeholders not of kin shall make said assessment: *Provided further*, that in laying out said road

In assessment for damages.

Proviso.

When surveyor is interested.

Proviso.

Surveyor shall not make roads steeper than, etc.

the said surveyor shall not make his grade steeper than one foot in ten in any case, and then not exceeding a distance of fifty yards in any one place, and after the said surveyor and freeholders shall have completed their survey and ascertained and made their assessments of damages to the different land owners they shall within ten days make a report of their proceedings to the board of county commissioners and said report shall specify the grade on each particular part of the road, the approximate distance of the grade and the amount of damages and for whose benefit the same was assessed, which report shall be filed with the clerk of the board, and if no exceptions are filed to said report within ten days the same shall be confirmed by said board.

Report of surveyor.

Compensation of road surveyor.

The said road surveyor shall be allowed two dollars per day for his services and the freeholders one dollar per day each for their services, but if exceptions to the report shall be filed the said board shall hear the same at their next meeting, and if said ex-

- ceptions shall raise the point as to the location and grade the said board shall order another survey of said road, if sufficient cause be shown, and if said second survey shall be ascertained by said board to be more practicable and useful to the public and inhabitants of the neighborhood the same shall be adopted and the county shall pay the costs, otherwise the party at whose instance said survey is made shall be adjudged to pay the costs of said second survey: *Provided*, no second survey shall be ordered until the person asking it gives good bond to pay costs in case such survey is not adopted.
- SEC. 28. Whenever any road has been laid out and established in accordance with the preceding section it shall be the duty of the board of county commissioners to appoint one or more overseers with a sufficient number of hands to construct and open said road on the grade and it shall be the duty of said board to cause a copy of the order of appointment to be served on each overseer within twenty days of his appointment, and said order shall designate the boundary from which said hands shall be taken or shall embody the names of the hands liable to work on said road: *Provided*, that no hand shall be required to work outside of his own township except on a bridge over a stream dividing one township from another or where he may be required to do so by special act of the legislature and in no case shall he be required to work more than four days in one year.
- SEC. 29. Whenever any person desires to change a road from one part of his land to another part he shall lay out the same, and after putting it on as good grade and in such good condition as highways are directed to be, shall apply to a justice of the peace, who thereupon shall notify the overseer of the road and summons two freeholders to meet on the premises at a given day, and the said freeholders being duly sworn shall with the justice view and examine carefully the road which is proposed in place of the other and all matters and facts tending to show whether the change should be allowed. They shall report in writing subscribed by them: the result of their consideration to the next meeting of the board of supervisors, which may confirm or reject their report: *Provided*, that such justice and freeholders shall be disinterested in the land and not of kin to the applicant and said grade not steeper or heavier than the original road was.
- SEC. 30. The board of supervisors of the township within ten days after the adjournment of the board shall if convenient serve each overseer with a copy of the order appointing him overseer, and if not convenient or said overseer refuses to accept said appointment the said board shall within ten days deliver two copies of said order to the township constable or to the sheriff of the county or his deputy, who shall serve each overseer with a copy

Second survey  
may be ordered.

Costs of survey.

Proviso.

Person asking  
second survey  
shall give bond.

When road is laid  
out overseers  
shall be ap-  
pointed and  
hands secured.

Order to over-  
seers.

Proviso.

Except in cer-  
tain cases no  
hand required to  
work out of his  
own township.

Persons desiring  
to change road.

Report of com-  
mittee.

Proviso.

Overseers to be  
served with  
copies of order of  
appointment.

of the order or leave the same at his usual habitation, and the other copy shall be returned to the next meeting of the board of supervisors with the date of reception by him and the date and manner of service endorsed thereon, and if either the board or constable or other officer shall willfully fail to perform any duty enjoined by this section he shall be guilty of a misdemeanor.

When overseer is unable to attend.

SEC. 31. When an overseer shall not be able to personally notify the hands three days before the day appointed for working the road, he shall leave at the house of each hand a written summons specifying the day and hour which they are required to attend, the place of the road to be worked and the kind of tools to be brought or used, and the said written notice left as aforesaid shall be deemed sufficient notice to the hands required to be notified, and all penalties or fines recovered by an overseer for default of working on the road shall be applied by him to the repair of the road of which he is or may have been overseer.

Persons cultivating land upon which a road is necessary.

SEC. 32. If any person be settled upon or is cultivating any land to which there is leading no public road and it shall appear necessary, reasonable and just that such person should have a private way to a public road over the lands of other persons he may file his petition before the board of supervisors of the township, praying for a cartway to be kept open across such other person's lands leading to some public road, bridge or public landing; and upon his making it appear to the board that the adverse party has had ten days' notice of his intention the board shall hear the allegations of the petitioner and the objections of the adverse party or parties, and if sufficient reasons be shown shall order the constable to summon a jury of three freeholders to view the premises and lay off a cartway not less than fourteen feet wide and assess the damages the owner of such land may sustain thereby, which with the expense of making the way shall be paid by the petitioner and the way shall be kept open for the free passage of all persons on foot or horseback, carts and wagons: *Provided*, that if the notice aforesaid shall not have been given, the board shall cause such petition to be filed with their chairman until their next meeting, when they shall proceed to hear and determine the same, and the petitioner or the adverse party may appeal from the order of the supervisors to the board of county commissioners of the county, and from the order of the board of commissioners to the superior court at term, when the issues of fact shall be tried by a jury, and from the judgment of the superior court to the supreme court as in other cases of appeal, and all costs accumulated after the order of the board of supervisors shall be paid by either party as the court may direct.

Proviso.

SEC. 33. Cartways laid off according to the provisions of this chapter may be changed or discontinued upon application by

any person concerned, under the same rules and proceedings as they were first laid off and upon such terms as to the board of supervisors may seem equitable and just, and any person through whose lands a cartway may pass may erect gates across the same, and if any person shall leave open, break down or otherwise injure such gates he shall forfeit and pay for every such offense ten dollars to the person erecting the same or his assigns of the land, and if the offense shall be willfully and wantonly done he shall be guilty of a misdemeanor.

SEC. 34. The board of supervisors in each township is authorized to order the laying out of any and all necessary roads to and from any church or other place of public [worship] in their said townships; to discontinue such roads when they may be found useless and to alter the same so as to make them more useful, and the right-of-way herein provided for shall terminate whenever the church or other place of worship shall cease to be used as such: *Provided*, this section shall not be construed so as to apply to public roads.

SEC. 35. The said board of supervisors shall not order the laying out of any such road or discontinue or alter the same except upon petition in writing, nor shall they hear any such petition unless it shall be made to appear that every person over whose lands the said road may pass shall have had ten days' notice of the intention to file such petition by personal service of notice in writing, or if the owner be unknown or there be no owner, agent or attorney of such owner resident in this state then by notice thereof posted up at the court-house door of the county in which the township is situate and two public places in the township for the space of ten days; and upon the hearing of the petition, if sufficient cause be shown the said board of supervisors shall order the laying out, shall discontinue or alter the said road as the case may be, and from their determination any party dissatisfied may appeal as provided in this chapter in the section directing the laying out of cartways.

SEC. 36. All roads provided in the two preceding sections shall be laid out to the greatest advantage of the inhabitants and with as little prejudice as may be to lands and inclosures within twenty days from the notification of their appointment by three disinterested freeholders, to be appointed by the said board of supervisors; and such damage as any individual may sustain shall be ascertained by the said freeholders and a report thereof with the proceedings had by them shall be made to the said board of supervisors and all damages assessed by the freeholders shall be paid by the petitioners, and until paid there shall be no confirmation of the report of the freeholders and such laying out shall be of no effect.

Cartways may be changed or discontinued.

Board of supervisors authorized to lay out necessary roads.

When roads shall be laid out or discontinued.

Persons shall have ten days notice.

Roads shall be laid out to greatest advantage of inhabitants.

Damage of individual.

Damages shall be paid by petitioners.

Persons exempt from work on public roads.

SEC. 37. The following persons shall be exempt from working on the public roads, namely: Members of the board of supervisors of public roads.

Persons obstructing, altering, changing, etc., certain roads.

SEC. 38. If any person shall willfully alter, change or obstruct any highway, cartway, mill road or road leading to and from any church or other place of worship or any bridge on any of said roads, whether the right of way thereto be secured in the manner herein provided for or by purchase, donation or otherwise such person shall be guilty of a misdemeanor and fined or imprisoned or both. Any person who shall hinder or in any manner interfere with the making of any road or cartway laid off according to this chapter shall be guilty of a misdemeanor and punished by fine or imprisonment or both at the discretion of the court.

Gully of misdemeanor.  
Penalty.

Persons hindering making of roads guilty of a misdemeanor.  
Penalty.

Powers of township supervisors to supply certain necessities.

SEC. 39. The township board of supervisors of the several townships within this state be and they are hereby authorized to furnish dynamite, powder and all necessary tools and implements for the use of the districts within their townships to be paid for out of any moneys in the treasury of the county due their respective townships for road purposes not otherwise appropriated. The township board of supervisors shall take a receipt from each overseer for such implement as they may deliver to him, showing the number, kind and condition thereof, and such overseers shall be liable for any injury or damage that may result to such implements 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 when he shall be relieved as overseer he shall return the same to the board of supervisors. The amount for which overseers may be liable for such improper use or neglect may be recovered in the name of the supervisors.

Overseer liable for damage to implements.

Road funds to credit of township, how expended.

SEC. 40. If any township shall have a road fund to its credit at the adoption of this act by reason of any prior law the same may be expended in repairing the roads if the board of supervisors shall deem it expedient.

To whom township road fund is payable.

SEC. 41. The county treasurer shall not pay out of any road fund due any township any money except upon the order of the board of supervisors of the township, stating for what purpose it is used and signed by the chairman and one or more of the other members constituting said board.

Commissioners authorized to furnish supervisors necessary implements.

SEC. 42. That the board of county commissioners of the several counties are authorized and empowered to furnish the board of supervisors of the several townships of their county with necessary tools and blasting material for keeping the public roads in repair.

Counties to which this act applies.

SEC. 43. This act shall only apply to the counties of Watanga, Ashe and Alleghany.

SEC. 44. All laws or parts of laws in conflict with this act are hereby repealed. Conflicting laws repealed.

SEC. 45. This act shall be in force from and after its ratification.

Ratified the 27th day of February, A. D. 1899.

#### CHAPTER 287.

**An act to prevent the obstruction of Ward's creek or its tributaries, in number eleven township, Cleveland county.**

*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any person or persons to cut trees or put logs or any other obstruction that will prevent the free passage of water in Ward's creek or its tributaries in number eleven township, Cleveland county, and that any person or persons having obstructed said creek or its tributaries are hereby directed to remove such obstructions. Unlawful to put obstructions in Ward's creek or tributaries, No. 11 township, Cleveland county.

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

Ratified the 27th day of February, A. D. 1899.

#### CHAPTER 288.

**An act to prevent felling timber in certain streams of Iredell county.**

*The General Assembly of North Carolina do enact :*

SECTION 1. That any person who shall willfully fell or in any way put timber in South Yadkin river, Hunting creek, Back creek and Davidson creek, Iredell county, and let the same remain therein longer than five days shall be guilty of a misdemeanor and on conviction shall be fined not exceeding ten dollars or imprisoned not more than thirty days. Felling limbs in certain rivers and creeks in Iredell county a misdemeanor. Penalty.

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

Ratified the 27th day of February, A. D. 1899.

## CHAPTER 289.

An act to amend chapter one hundred and seventy-two of the public laws of eighteen hundred and ninety-one, in regard to hunting birds in Alexander county.

*The General Assembly of North Carolina do enact:*

Section 1, chapter 172, public laws of 1891, relative to hunting birds in Alexander county, amended. Requires hunters to secure written permission from owner of land.

SECTION 1. That section one of chapter one hundred and seventy-two of the public laws of eighteen hundred and ninety-one be amended by inserting between the words "permission" and "from" in line five of said section the words "in writing": *Provided*, that this amendment shall apply only to the county of Alexander.

SEC. 2. This act shall be in force from and after its ratification. Ratified the 27th day of February, A. D. 1899.

## CHAPTER 290.

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

*The General Assembly of North Carolina do enact:*

Stock running at large in New Hanover county, with certain exception, after January 1st, 1900, prohibited.

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

Violation a misdemeanor. Word "stock" defined.

Commissioners shall build fence between boundary line of New Hanover and Pender.

SEC. 2. That before the fifteenth day of December, eighteen hundred and ninety-nine, the board of commissioners of said county shall cause a good and sufficient fence five feet high to be constructed and maintained along the boundary line between the county of New Hanover and the county of Pender, commencing at the eastern end of said line and ending at the point where the said line reaches and intersects the Northeast Cape Fear river, with suitable gates at all crossings of public roads: *Provided* that the said board of commissioners may at any time and from time to time declare any water course along the line of said fence to be and constitute a part of said fence, and for the purpose of

Proviso.

this act the said board of commissioners may let out the construction of said fence and gates by contract to the lowest bidder, giving twenty days' notice of such letting out by public advertisement in two daily papers published in the city of Wilmington, or if in their discretion the said board shall deem it advisable that they may employ an agent to construct said fence under such terms as they shall prescribe; and for the defraying of the expenses of constructing said fence and gates the said board may draw upon the county treasurer of said county of New Hanover for a sum sufficient therefor out of the general fund of said county, and may thereafter levy on all real property taxable by state and county in said county and collect a tax sufficient to replace the amount so drawn from said general fund, and in addition thereto may from year to year in like manner levy and collect a tax sufficient to maintain said fence and gates.

May let out construction of fence to lowest bidder.

SEC. 3. That so much of chapter twenty, volume second of The Code as is contained in section two thousand eight hundred and sixteen, section two thousand eight hundred and seventeen, section two thousand eight hundred and eighteen, section two thousand eight hundred and nineteen, section two thousand eight hundred and twenty, section two thousand eight hundred and twenty seven, section two thousand eight hundred and twenty-eight, section two thousand eight hundred and twenty-nine and section two thousand eight hundred and thirty and all amendments to said section shall be made a part of this act.

May levy a special tax.

Sections 2816, 2817, 2818, 2819, 2820, 2827, 2828, 2829, 2830 and all amendments thereto made a part of this act.

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

Ratified the 27th day of February, A. D. 1899.

## CHAPTER 291.

An act to regulate the fees of cotton weigher of the city of Statesville.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section three of chapter one hundred and eight of the acts of the general assembly of North Carolina for the year eighteen hundred and ninety-five shall apply to the cotton weigher of the city of Statesville.

Act relative to fees of cotton weigher of the city of Statesville. Weigher may charge ten cents.

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

Ratified the 27th day of February, A. D. 1899.

## CHAPTER 292.

**An act to authorize the board of commissioners of Anson county to levy a special tax.**

*The General Assembly of North Carolina do enact:*

Commissioners of Anson county empowered to levy special tax.

Maximum special tax.

Purpose of tax.

SECTION 1. That the board of commissioners of Anson county be and they are authorized and empowered to levy a special tax in the years eighteen hundred and ninety-nine and nineteen hundred at the same time with the levies of other taxes in said years on all taxable property and polls in said county. The special tax in each of said years is not to exceed twenty cents on the one hundred dollars valuation of property and sixty cents on the poll, and in making the levy the commissioners shall observe the constitution equation between the property tax and the poll tax, said tax being to meet the ordinary and necessary expenses of said county, and shall be collected and accounted for by the sheriff or other tax collectors of said county in the same manner and under the same penalties and within the time as the other taxes levied for said county.

SEC. 2. This act shall be in force from and after its ratification. Ratified the 27th day of February, A. D. 1899.

## CHAPTER 293.

**An act to abolish the criminal circuit court composed of the counties of Buncombe, Madison, Haywood, Henderson and McDowell.**

*The General Assembly of North Carolina do enact:*

Criminal circuit court composed of certain counties abolished. Criminal actions now pending in criminal court transferable to superior court.

SECTION 1. That the criminal circuit court composed of the counties of Buncombe, Madison, Haywood, Henderson and McDowell be and the same is hereby abolished.

SEC. 2. That all criminal actions now pending in the criminal circuit court of the counties of Buncombe, Madison, Haywood, Henderson and McDowell shall be transferred to the criminal docket of the superior court for said respective counties, and all returns made and all bonds, recognizances and subpoenas or other processes returnable to the criminal circuit court of any of said counties shall be deemed to have been made returnable to the superior court of said county, and all parties and witnesses recognized, bound or subpoenaed to attend the criminal circuit court of any of said counties shall be held and bound to appear before the superior court in the same manner and to the same extent as if such bond, recognizance or subpoena or other process was re-

turnable to said superior court instead of the criminal circuit court.

SEC. 3. That it shall be the duty of the clerks of the criminal circuit court of said several counties to immediately turn over to the clerk of the superior court of their respective counties all records belonging to their respective offices.

Duties of clerks of criminal courts.

SEC. 4. That from and after the ratification of this act all crimes and misdemeanors heretofore cognizable before the said criminal circuit court shall be cognizable only before the superior court of the said several counties composing said criminal circuit court.

Crimes, etc., heretofore cognizable before criminal court to be tried by superior court.

SEC. 5. All laws or clauses of laws contrary to this act are hereby repealed.

Conflicting laws repealed.

SEC. 6. That it shall be the duty of the secretary of state of North Carolina immediately upon the ratification of this act to forward certified copies thereof to the judge and solicitor of the said criminal circuit court, and the judges and solicitors of the superior court districts in which the counties of said criminal circuit court are located and to the clerks of the said criminal circuit courts and superior court of said counties of Buncombe, Madison, Haywood, Henderson and McDowell.

Certified copies of this act to be mailed by secretary of state.

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

Ratified the 27th day of February, A. D. 1899.

#### CHAPTER 294.

An act authorizing the secretary of state to issue a land grant to  
Milton Moss, Jr.

*The General Assembly of North Carolina do enact :*

SECTION 1. That upon the filing by Milton Moss, Jr., with the secretary of state an affidavit setting forth that he is the owner of warrants of survey made by N. W. Moore, late surveyor for Cherokee county, now Clay county, to William Marr, assignee of George Edmons or George Edmonds on tract of land number thirty-one, district two, now in Clay county, North Carolina, which warrant of surveyor was issued on the twelfth day of September, eighteen hundred and fifty-one, and that he is entitled to a grant on such warrants of survey, and have said affidavit attached to the said warrants of survey and paying the fees allowed by law for issuing grants or a grant, then the secretary of state is directed and authorized to issue to said Milton Moss,

Secretary of state authorized to issue land grant to Milton Moss, Jr., upon the filing of certain affidavits.

Jr., or his assignee, a grant for the land described in said warrants of survey.

Superior titles  
not invalidated.

SEC. 2. That nothing in this act shall have the effect to deprive any party who may prove a superior title or the right of a superior title from establishing such superior title or right of title in the superior court.

SEC. 2. [3.] That this act shall take effect from and after its ratification.

Ratified the 27th day of February, A. D. 1899.

#### CHAPTER 295.

### An act to prohibit the sale of wine, bounce or medicated bitters in Poplar Branch township, in Currituck county.

*The General Assembly of North Carolina do enact :*

Sale of wine,  
bounce or medi-  
cated bitters in  
Poplar Branch  
township, Curri-  
tuck county,  
unlawful.  
Proviso.

SECTION 1. That it shall be unlawful for any person or persons to sell or offer for sale any wine, bounce or medicated bitters of any kind in Poplar Branch township, Currituck county: *Provided*, this act shall not prevent any person from selling wine made from his own vineyard and on his own premises, in quantities not less than one quart.

Violation a mis-  
demeanor.  
Penalty.

SEC. 2. That any person violating this act shall be guilty of a misdemeanor and upon conviction shall be fined not more than fifty dollars nor less than ten or imprisoned not more than thirty days.

Conflicting laws  
repealed.

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

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

Ratified the 27th day of February, A. D. 1899.

#### CHAPTER 296.

### An act to prevent the obstruction of the waters of Jonathan's creek in Haywood county.

*The General Assembly of North Carolina do enact :*

Obstruction of  
water in Jona-  
than's creek or  
tributaries in  
Haywood county  
unlawful.

SECTION 1. That it shall be unlawful for any person or persons to obstruct the free passage of the waters in Jonathan's creek or its tributaries in Haywood county or the channels of said stream by depositing therein logs, brush or [by] any other means except for

necessary and useful purposes. Any person or persons violating 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.

Misdemeanor.  
Penalty.

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

Ratified the 27th day of February, A. D. 1899.

#### CHAPTER 297.

An act to increase the number of county commissioners of Wake county, and for other purposes.

*The General Assembly of North Carolina do enact:*

SECTION 1. That at a general election to be held in the year nineteen hundred (1900) and every two years thereafter there shall be elected in Wake county by the duly qualified electors thereof five county commissioners instead of three county commissioners as now provided by section four (4), chapter one hundred and thirty-five (135) of the public laws of eighteen hundred and ninety-five, who shall hold their offices until their successors are duly elected and qualified.

Number of commissioners of Wake county increased to five in the general election of 1900.

SEC. 2. That the present board of commissioners of Wake county, consisting of three members elected at the general election held in eighteen hundred and ninety-eight, shall be increased by the addition of two new members, who shall be appointed within thirty days after the ratification of this act from the qualified electors of said county by the clerk of the superior court of said county, and they shall from their appointment and qualification, by taking the oath of office before the clerk of said court, be members of said board of commissioners in every respect as fully as those commissioners who were elected at the general election held in eighteen hundred and ninety-eight, and shall continue in office until their successors are elected and qualified.

Clerk of court authorized to appoint two additional commissioners within thirty days.

SEC. 3. That the members of the board of commissioners of Wake county shall be allowed for their services in attending the meetings of said board such per diem and mileage, not exceeding three dollars per day and five cents per mile, as the majority of them may think proper; and for attending committee meetings appointed by said board and special and called meetings of the board the said commissioners shall be allowed such per diem and mileage as a majority of them shall think proper, not exceeding three dollars (\$3) per day and five cents per mile. The special

Compensation of commissioners

meetings that shall be held by said board on the first Monday in each month may continue from day to day for as many as four (4) days, unless the business is sooner disposed of. The said board of commissioners may allow to the chairman thereof in addition to the per diem and mileage above provided for such further compensation for his services as a majority of them shall think proper.

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

Ratified the 27th day of February, A. D. 1899.

## CHAPTER 298.

An act to allow the board of commissioners of Robeson county to work convicts upon the public roads of said county.

*The General Assembly of North Carolina do enact :*

Commissioners of Robeson county empowered to work convicts on public roads.

SECTION 1. That upon application of the board of commissioners of Robeson county it shall be lawful for and the duty of the judges holding courts in the said county to sentence to imprisonment and hard labor on the public roads of said county for such terms as are prescribed by law for their imprisonment in the county jail or in the State Prison, the following classes of convicts: First, all persons convicted of offenses, the punishment whereof would otherwise be wholly or in part imprisonment in the common jail; second, all persons convicted of crimes the punishment whereof would otherwise wholly or in part be imprisonment in the penitentiary for a term not exceeding two years.

Classes of convicts.

SEC. 2. All persons sentenced to jail by any justice of the peace of said county and all insolvents who shall be imprisoned by any court in the same for non-payment of costs or fine in criminal cases may be retained in imprisonment and worked on the public roads of said county until they shall have paid fine and costs, the rate of compensation to be allowed for said fine and costs to each defendant for work on the public roads to be fixed at a just and fair sum by the board of county commissioners: *Provided, however,* that no defendant sentenced or committed by a justice of the peace shall be kept at work on said roads or imprisoned for a longer term than thirty days.

Persons who may be sentenced to roads.

Proviso.

Certain convicts under control of commissioners.

SEC. 3. That the convicts sentenced to hard labor under this act shall be under the control of the board of commissioners of said county and said authorities shall have power to enact and enforce all needful rules and regulations for the successful working of all convicts upon said public roads; they may appoint an

overseer of said convicts and commit to him the custody of the whole or any part of the convict force and authorize and empower him to use such disciplinary measures only as are necessary to carry out the rules and regulations of said commissioners in the working of the public roads of the county or any other work to which said convicts may be put by order of the board of commissioners to the same extent as is allowed by law to the authorities of the penitentiary in the custody and control of convicts committed to the State's Prison.

May appoint an overseer.

SEC. 4. That the said commissioners in their discretion may work said convicts upon any other public works in said county and whenever it shall seem to them best for the public interest they may hire out to any person or corporation in said county the entire body of convicts or any part thereof.

Commissioners may hire out convicts.

SEC. 5. That for the purpose of properly equipping said body of convicts the commissioners of said county are hereby authorized and empowered to expend out of the taxes raised for county purposes and [an] amount not exceeding the sum of six hundred dollars, to be used in the purchase of such appliances as in their opinion would be best suited to the effectual working of said convicts on the public roads.

Commissioners empowered to expend money for necessary appliances.

SEC. 6. All laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 7. This act shall be in force from and after its ratification. Ratified the 27th day of February, A. D. 1899.

## CHAPTER 299.

An act to amend chapter one hundred and forty-five of the public laws of eighteen hundred and ninety-seven

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter one hundred and forty-five of the public laws of eighteen hundred and ninety-seven be and the same is hereby amended by adding to section one thereof the words, "Provided, nothing in this act shall prevent fishing with dutch, trap or pond nets in the waters of Neuse river on the Pamlico side of said river, between the mouth of said river and Upper Broad creek, not more than five hundred yards from the shore: *Provided further*, that any person fishing in said waters for marketing purposes as herein provided shall pay an annual tax of ten dollars, to go to the general fund of Pamlico county.

Chapter 145, public laws of 1897, relative to fishing in Neuse river with certain nets, amended.

SEC. 2. That any person fishing in said waters for marketing purposes who shall refuse to pay the tax provided for in section

Persons refusing to pay license.

one of this act shall be guilty of a misdemeanor and on conviction shall be fined not less than five nor more than fifty dollars or imprisoned not more than thirty days.

SEC. 3. This act shall be in force from and after its ratification.  
Ratified the 28th day of February, A. D. 1899.

#### CHAPTER 300.

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

*The General Assembly of North Carolina do enact :*

Commissioners of Haywood county authorized to levy special tax for building bridge across Jonathan's creek.

SECTION 1. That the commissioners of Haywood county are hereby authorized, empowered and directed to levy a special tax on the property and polls of said county, observing the constitutional equation, for the purpose of building a bridge across Jonathan's creek, the location to be selected by the county commissioners of said county; also to build a bridge across Pigeon river within at least one half mile of the mouth of Fines creek, the levy to be made at the June sessions of the commissioners for the years of eighteen hundred and ninety-nine and nineteen hundred.

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

Ratified the 28th day of February, A. D. 1899.

#### CHAPTER 301.

An act to give Granville county two additional commissioners.

*The General Assembly of North Carolina do enact :*

Board of commissioners of Granville county increased. New commissioners.

SECTION 1. That the board of county commissioners of Granville county shall consist of five members instead of three as now constituted, and that L. Henry Moss and William H. Waller be and they are hereby appointed county commissioners of said county of Granville.

Term of office.

SEC. 2. That the term of office of said two commissioners shall begin upon the ratification of this act.

Duties, powers, etc., of new commissioners.

SEC. 3. That the powers, duties, responsibilities and liabilities of said two additional commissioners be the same as those of the present members of said board of county commissioners.

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

Ratified the 28th day of February, A. D. 1899.

## CHAPTER 302.

An act to amend and add to section three thousand six hundred and fifty-four of The Code, as to the registration of deeds.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section three thousand six hundred and fifty-four of The Code be amended by adding at the end thereof the following words, to-wit: And when a deed, mortgage or other conveyance made by or to a railroad company or other corporation conveying real estate situate in two or more counties is presented for registration duly probated and a copy thereof is presented with the same, the register shall compare the copy with the original, and if it be a true copy thereof he shall certify the same, and thereupon the register shall endorse the original deed or conveyance as duly registered in his county designating the book in which the same is registered and deliver the original deed to the party entitled thereto and register the same from the certified copy thereof to be retained by him for that purpose; and for comparing and certifying the same the register shall be entitled to a fee of one dollar.

Section 3654 of The Code, as to registration of deeds, amended.

When deed of real estate in two or more counties is presented by corporation for registration.

Register shall certify.

SEC. 2. This act shall be in force from and after its ratification. Ratified the 28th day of February, A. D. 1899.

## CHAPTER 303.

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

*The General Assembly of North Carolina do enact :*

SECTION 1. That section one (1) of chapter three hundred and fifty-three, public laws of eighteen hundred and ninety-five, be amended by striking out the names of L. J. Moses and John H. Mathis and inserting in lieu thereof the names of H. F. Beard and Jack Wike, and that section five (5) of said chapter three hundred and fifty-three, public laws of eighteen hundred and ninety-five, be amended by striking out the word "two" in line two of said section and inserting in lieu thereof the word "six."

Section 1, chapter 353, referring to construction of public road in Transylvania and Jackson counties, amended.

SEC. 2. That chapter four hundred and thirty five, public laws of eighteen hundred and ninety-seven, is hereby repealed.

Chapter 435, said act, referring to said road, repealed.

SEC. 3. That the commissioners of Jackson county shall appropriate for the construction and completion of said road from the ford of Negro Skull creek, crossing Negro Skull mountain by way of Dick Alexander's, intersecting main road at Alias Huffman's, the sum of three hundred dollars.

Commissioners of Jackson county empowered to make appropriation for the construction of said road.

Commissioners of Jackson county authorized to levy special tax.

SEC. 4. That in order to carry out the provisions of this act the commissioners of said county of Jackson are hereby authorized to levy a special tax not exceeding ten cents on the one hundred dollars worth of property in said county and thirty cents on each poll.

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

Ratified the 28th day of February, A. D. 1899.

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#### CHAPTER 304.

An act regulating the fees for recording and probating crop liens in Bertie, Hertford and Northampton counties.

*The General Assembly of North Carolina do enact :*

Fees of register of Bertie, Hertford and Northampton counties for registering crop liens. Register's fees 40 cents. Fees of clerks for probation. Clerk's fees 15 cents

SECTION 1. That the register of deeds of the counties of Bertie, Hertford and Northampton shall be paid the sum of forty cents for registering a crop lien or lien bond, including all certificates therein, and no more.

SEC. 2. That the clerks of the superior court of said counties shall be paid the sum of fifteen cents for probating and ordering to be registered a crop lien or lien bonds, including all services connected therewith.

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

Ratified the 28th day of February, A. D. 1899.

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#### CHAPTER 305.

An act to amend section two, of chapter three hundred and sixty-two of the public laws of eighteen hundred and eighty-nine.

*The General Assembly of North Carolina do enact :*

Chapter 2, chapter 362, public laws of 1889, relating to sale of liquor within certain points in Columbus county, amended.

SECTION 1. That section two of chapter three hundred and sixty two of the public laws of eighteen hundred and eighty-nine be amended by striking out all after the word "township" in line four (4) down to the word "and" in line five of the same section.

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

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

Ratified the 28th day of February, A. D. 1899.

## CHAPTER 306.

An act to restore to the Caldwell and Watauga Turnpike Company that portion of its road from near Patterson, North Carolina, to the incorporate limits of Lenoir, North Carolina.

*The General Assembly of North Carolina do enact :*

SECTION 1. That that portion of the "Caldwell and Watauga Turnpike Company," road from near Patterson, North Carolina, to the incorporate limits of Lenoir, North Carolina, heretofore turned over to the county commissioners of Caldwell county be and the same is hereby restored to the said "Caldwell and Watauga Turnpike Company."

Certain territory restored to Caldwell and Watauga Turnpike Company.

SEC. 2. That the said company be required to accept said portion of road and take charge of same and keep it up as a part of its general system.

Said company required to accept and keep up this road.

SEC. 3. That said company shall have the same powers and privileges over said restored portion of road as over any other part of its system.

Powers and privileges of company with this road.

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

Conflicting laws repealed.

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

Ratified the 28th day of February, A. D. 1899.

## CHAPTER 307.

An act to authorize the commissioners of Forsyth county to levy a special tax for paying the court-house debt, and for other purposes.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the board of commissioners of Forsyth county are hereby authorized and fully empowered to levy a special tax from year to year, beginning with the year eighteen hundred and ninety nine and until the debt and interest herein referred to are fully paid, for the purpose of paying off the debt and accrued and current interest incurred in the erection by the county of the present court-house, and for no other purpose: *Provided*, that in no one year shall the tax herein authorized to be levied exceed ten cents on the hundred dollars worth of property and thirty cents on the poll.

Commissioners of Forsyth county authorized to levy special tax.

Purpose of special tax.

Proviso.

SEC. 2. That the said tax shall be collected and accounted for by the sheriff or other tax collector of said county in the same manner, under the same bonds and penalties and within the same

How collected and accounted for.

time as is now provided by law for other taxes levied in said county.

Conflicting laws repealed.

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 28th day of February, A. D. 1899.

#### CHAPTER 308.

An act to authorize Rutherford county to levy a special tax to pay back indebtedness of the county.

*The General Assembly of North Carolina do enact :*

Commissioners of Rutherford county authorized to levy special tax.

SECTION 1. That the board of commissioners of Rutherford county are hereby empowered and authorized to levy a special tax for the year eighteen hundred and ninety-nine not to exceed ten (10) cents on the one hundred dollars worth of property and thirty (30) cents on the poll, observing the constitutional equation between the poll and property, for the purpose of paying county claims now outstanding against said county.

Purpose of special levy.

How levied and collected.

SEC. 2. Said taxes shall be levied and collected in the same manner and under the same provisions as other county taxes are levied and collected.

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

Ratified the 28th day of February, A. D. 1899.

#### CHAPTER 309.

An act to provide for the collection of certain delinquent and unlisted taxes in Wilkes county.

*The General Assembly of North Carolina do enact :*

Commissioners of Wilkes county authorized to appoint special tax collector to collect delinquent taxes.

SECTION 1. That the board of commissioners of Wilkes county are hereby authorized and empowered to appoint a special tax collector for Wilkes county to collect certain unlisted and delinquent taxes assessed and made out by the board of commissioners of Wilkes county and due said county for the last five years; and before placing said list in the hands of said tax collector he shall file with said board of commissioners a good and sufficient bond in double the amount of the taxes due on said list.

SEC. 2. That said tax collector shall at least once during each and every month pay to the treasurer of Wilkes county all moneys collected by him and take the treasurer's receipt for the same, which receipt shall be a proper voucher for said tax collector in his settlement with the board of commissioners.

Special tax collector shall make monthly settlement with treasurer.

SEC. 3. That if the tax collector shall find that any person or persons on said list have paid the taxes due by them he shall make a report of the same to the board of county commissioners in order that they may ascertain if the officer to whom paid has properly accounted for the same.

Shall report taxes previously paid.

SEC. 4. That the county commissioners of Wilkes county shall pay said tax collector for his services as such, not exceeding ten per centum on the amounts actually collected and paid over to the treasurer of Wilkes county.

Compensation of collector.

SEC. 5. That said tax collector shall make his final settlement with the board of commissioners of Wilkes county not later than the first Monday in March, nineteen hundred.

Date of final settlement of said collector.

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

Ratified the 28th day of February, A. D. 1899.

## CHAPTER 310.

An act to regulate fishing in Bachelors bay and the Albemarle sound, and to amend chapter two hundred and forty-five of the public laws of North Carolina, session eighteen hundred and ninety-five.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section one of chapter two hundred and forty-five, public laws of eighteen hundred and ninety-five, be amended by adding to said section the following: "But it shall be lawful for any person to set such nets along the sound shore on the Bertie county side between the following points along said shore, to-wit: Commencing at the mouth of Cherry Tree Cut branch, Kentrock field and Landing field, and running around the shore to the mouth of Morgan swamp, and that any nets set or fished within that line shall not extend from the shore in any direction a greater distance than four hundred and fifty yards measured at high water, and within this distance of four hundred and fifty yards is to be included the nets, hedges and all parts thereof.

An act regarding fishing in Bachelors bay and amendatory of chapter 245, public laws of 1895, relative to fishing in certain waters and dumping logs in selning grounds.

SEC. 2. That it shall be a misdemeanor for any person to set or fish any nets of the kind prohibited by this act within the limits herein defined.

Misdemeanor.

SEC. 3. That all laws and clauses of laws in conflict with this

Conflicting laws repealed.

act or with the act which it amends are hereby in all respects repealed.

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

Ratified the 28th day of February, A. D. 1899.

CHAPTER 311.

An act for the better government of the deaf and dumb and the blind.

Election of directors for Institution for Deaf, Dumb and Blind by the legislature.

*The General Assembly of North Carolina do enact :*

Directors and term of office.

SECTION 1. That section two thousand two hundred and twenty-eight of The Code be repealed and the following inserted in lieu thereof: The legislature shall elect seven directors for the North Carolina Institution for the Education of the Deaf and Dumb and the Blind and they shall be classified as follows: The first class shall consist of B. F. Montague, I. M. Proctor and C. B. Edwards and their terms of office shall be for six years; the second class shall [consist] of Hugh Morson and W. N. Jones and their terms of office shall be for four years; the third class shall consist of James A. Briggs and C. Nich. Allen and their terms of office shall be for two years: *Provided*, that when their terms of office shall expire their successors shall be elected for six years: *Provided further*, that the directors elected under this act shall hold until their successors are elected and qualified.

Proviso. Term of office of successors. Proviso.

Powers of directors.

SEC. 2. That said directors shall have like powers and authorities as the law confers upon the board of trustees of the North Carolina Institution for the Education of the Deaf and Dumb and the Blind: *Provided*, in case of death or resignation of any of the above named directors that the remaining members of the said board of directors shall elect persons to fill such vacancies.

Proviso. Vacancies occurring.

Persons conspiring to hinder directors in discharge of duty, guilty of misdemeanor.

SEC. 3. That any person or persons conspiring to prevent, impede, retard, interrupt, hinder or delay the directors aforesaid in the discharge of their duty shall be guilty of a misdemeanor and fined and imprisoned at the discretion of the court.

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

Ratified the 28th day of February, A. D. 1899.

## CHAPTER 312.

An act to repeal chapter one hundred and seventy-six, public laws of eighteen hundred and ninety-seven.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter one hundred and seventy six of public laws of eighteen hundred and ninety seven, entitled "An act to authorize the commissioners of Madison county to build a bridge across Ivy creek at or near its mouth" is hereby repealed.

Chapter 176, public laws of 1897, relative to construction of bridge across Ivy creek, Madison county, repealed.

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

Ratified the 28th day of February, A. D. 1899.

## CHAPTER 313.

An act to make it unlawful to fell trees in in the following-named streams of Cherokee and Clay counties, to-wit: Shooting creek, Tusquittee creek, and Hiawassee river, in Clay county, and Hanging-dog creek, Valley river, Notla river, and Hiawassee river, in Cherokee county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That if any person or persons shall willfully fell any tree in any of the following named streams or water-courses in the counties of Cherokee and Clay, to-wit: Shooting creek, Tusquittee creek and Hiawassee river in Clay county, and Hanging-dog creek, Valley, Notla and Hiawassee rivers in Cherokee county, he or they shall be guilty of a misdemeanor and fined not to exceed fifty dollars or imprisoned not to exceed thirty days.

Felling trees in certain streams in Cherokee and Clay counties, unlawful.

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

Penalty.

Ratified the 28th day of February, A. D. 1899.

## CHAPTER 314.

An act to permit W. T. Cross, clerk of the superior court of Gates county, to absent himself from his office on certain days.

*The General Assembly of North Carolina do enact :*

SECTION 1. That W. T. Cross, clerk of the superior court of Gates county, be allowed to absent himself from his office of clerk on one Monday either in the month of April or May, eighteen hundred and ninety-nine, and be exempted from the provisions, penalties and liabilities mentioned in sections one hundred and

W. T. Cross, clerk of Gates county superior court, permitted to absent himself from his office on certain days.

**Proviso.**

fourteen and one hundred and fifteen of The Code: *Provided*, said clerk shall not be absent from his said office on the first Monday of any month or any Monday of a term of the superior court of said county: *Provided further*, that he shall have a competent deputy to perform all duties authorized to be performed by said deputy.

**Proviso.**  
Shall have competent deputy.

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

Ratified the 28th day of February, A. D. 1899.

## CHAPTER 315.

## An act to levy a special tax in Alleghany county.

*The General Assembly of North Carolina do enact:*

**Commissioners of Alleghany county empowered to levy special tax.**

SECTION 1. That the board of commissioners of Alleghany county are authorized and empowered at their regular meeting on the first Monday in June of the years eighteen hundred and ninety-nine and nineteen hundred, 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 upon the polls of said county for the special purpose of paying of [off] the indebtedness of the county.

**Purpose of special levy.****Special tax, how levied.**

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 or forty-five cents on the poll, and the constitutional equation between the property and poll shall always be observed in making such levies.

**How collected.**

SEC. 3. That said tax shall be collected and accounted for by the sheriff or tax collector of said county in the same manner and at the same time and under the same rules and penalties as are prescribed for the collection of state and county taxes.

**Conflicting laws repealed.**

SEC. 4. That all laws and clauses of laws other than this act allowing the collection of special taxes in said county shall have no force.

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

Ratified the 28th day of February, A. D. 1899.

## CHAPTER 316.

An act to change the line between McNeill's and Greenwood townships,  
in Moore county.

*The General Assembly of North Carolina do enact :*

SECTION 1. Beginning on Crains creek where said creek runs out of Greenwood township and follow down said creek to the Cumberland county line; thence as the Cumberland county line a north course to the corner of Greenwood township: thence as the line of Greenwood and McNeill's township line to the beginning, the said enclosure to be changed from McNeill's township to Greenwood township.

Description of line of division between McNeill and Greenwood townships, Moore county.

SEC. 2. This act shall be in force from and after its ratification.  
Ratified the 28th day of February, A. D. 1899.

## CHAPTER 317.

An act to establish a dispensary in the town of Lexington.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the board of commissioners of the town of Lexington are hereby authorized and empowered to submit to the qualified voters of said town at the next regular election of mayor and commissioners the question whether a dispensary for the sale of spirituous, vinous and malt liquors shall be established for and in the said town of Lexington. The said election shall be advertised by the board of commissioners of said town for thirty days prior to and next preceding the day of election in some newspaper published in said town and at the court-house door and at four (4) other public places in the town; and said election shall be held under the same rules and regulations prescribed by law for the election of mayor and commissioners of said town. At said election those casting their ballots for a dispensary shall vote a ticket on which is written or printed without device the words "For dispensary," and those against shall vote a ticket on which is written or printed without device "Against dispensary."

Commissioners of Lexington empowered to submit to qualified voters the question of dispensary or no dispensary.  
Election shall be advertised.

SEC. 2. If a majority of the qualified voters of said town at such election shall vote "For dispensary" the board of commissioners of Lexington shall as soon thereafter as is practicable elect three electors, citizens of the town, who shall compose and be known as "dispensary trustees," one of whom shall hold the office for one year, one for two years and one for three years, or

Regulations under which election shall be held.

Form of ballot.

Commissioners shall elect dispensary trustees.

Term of office.

until their successors are elected and installed, and the board of commissioners shall annually thereafter as the terms expire elect one dispensary trustee and shall elect for all vacancies occurring.

Manager of dispensary.

SEC. 3. The dispensary trustees provided for in this act shall establish and maintain in the town of Lexington, at such place as the board of commissioners shall approve, a dispensary for the sale of spirituous, vinous and malt liquors. They shall from time to time as and when necessity demands elect a citizen of said town to be known as the manager of said dispensary, who shall have charge and control of said dispensary under the supervision of said trustees. The manager shall be chosen for such time as the board of trustees shall deem best and may be removed at any time for such cause as they deem sufficient. He shall be required to give bond in a sum to be fixed by the trustees, not less than five hundred (\$500) dollars, conditioned to faithfully account for all moneys that may come into his hands as such manager and for the faithful performance of the duties required of him by this act and by the trustees in their regulations. He shall receive a salary to be fixed by the trustees and his compensation shall not be dependent upon the amount of sales.

Term of office of manager.

Manager shall give bond.

Liabilities incurred shall be liquidated by town.

SEC. 4. The manager of the dispensary shall purchase and at all times keep under the supervision of the dispensary trustees a stock of spirituous, vinous and malt liquors in such quantities as the said trustees shall direct. All bills and obligations incurred in the establishment and maintenance of the dispensary and in purchasing stock therefor from time to time shall be paid by the treasurer of the town of Lexington upon presentation of proper voucher with bill attached, approved in writing by a majority of the dispensary trustees. The 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 subject to the inspection of the trustees at all times.

Trustees shall make rules and regulations for conduct of dispensary.

Minimum quantity sold.

SEC. 5. Said trustees shall make from time to time rules and regulations for the proper conduct and operation of said dispensary; the quantity to be sold to any one person or purchaser 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 open before sunrise and shall be closed by sunset, and it shall be closed on Sunday, election days and such other days as the dispensary trustees may direct. The manager shall be bound by all laws of this state regulating the sale of liquors and all regulations of the dispensary trustees not in conflict with the laws of the state.

Trustees shall regulate price of liquors.

SEC. 6. The dispensary trustees shall fix the price at which spirituous, vinous and malt liquors shall be sold: *Provided*, that

the same shall not be sold for a price exceeding eighty (80) per centum above the cost thereof. Maximum profit.

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 package in the dispensary; and when any original package therefor is broken the contents thereof shall at once be bottled and sealed. The manager shall make a monthly report to the dispensary trustees showing the amount of sales for the preceding month and the stock on hand at the close of the last day of said month. Manager forbidden to sell broken packages.

SEC. 8. Said dispensary trustees shall cause an inspection and analysis to be made of the stock on hand from time to time by a competent chemist, and if any spirituous, vinous or malt liquors are condemned by the chemist making the analysis as impure and unwholesome such liquors shall not be sold by the manager and payment for the same shall be refused to the party from whom such liquors were purchased, and no spirituous, vinous or malt liquors shall be sold in said dispensary that are not well known in the market as pure and unadulterated. Manager shall make monthly reports.  
Trustees shall have whiskeys offered for sale examined.

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 the said trustees are required to make such rules and regulations and require the manager to make such investigation as will prevent persons from so purchasing; and if said trustees become satisfied that any person has purchased or is purchasing for the purpose of reselling 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 resale; and in case the dispensary trustees are satisfied that any person is directly or indirectly purchasing repeatedly for the purpose of reselling the trustees are authorized to direct the manager not to sell to such person or persons except upon the certificate of a reputable physician that such liquors are needed for medical purposes. No payment shall be made for impure whiskey.  
  
Whiskey shall not be sold to persons intending to resell.

SEC. 10. The manager of the dispensary shall not allow any person or persons to loiter in or about the dispensary or the premises on which it is situated, and for a failure to enforce this law he shall be removed by the trustees; 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. Manager may be directed as to quantities to be sold.  
  
Manager may be directed to refuse to sell to certain parties.

SEC. 11. That the board of commissioners of Lexington 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 violations of the provisions of this act or the regula- Loitering on premises forbidden.  
  
Certain ordinances may be passed in regard to dispensary.

tions of the dispensary trustees to be enforced by the mayor or other parties.

Sufficient sum shall be appropriated by commissioners to establish dispensary.

SEC. 12. The board of commissioners of Lexington shall appropriate from the public treasury of the town a sufficient amount to establish the dispensary as provided for in this act, which amount shall be repaid to the general fund of the town from the dispensary account kept by the town treasurer, and the said commissioners are required to appropriate at any time such sums as may be necessary to keep the dispensary in operation, such sums to be charged to and refunded by the dispensary account.

Commissioners shall appropriate sufficient sum to keep dispensary in operation. Trustees shall make quarterly reports.

SEC. 13. The dispensary trustees shall make quarterly reports to the commissioners of Lexington on the third Mondays of March, June, September and December of each year, showing the receipts, expenses and cash and stock on hand of the dispensary for each quarter, and the amount of net profits shall be credited to and placed in the general fund of the town to be used for public improvements therein as the board of commissioners of Lexington may determine, and said commissioners in their discretion may appropriate a part of said profits to the school fund of the town or to the public schools of the town district if no graded schools are established.

Net profits, how applied.

Persons eligible as trustee or manager.

SEC. 14. That no person holding any office or position of any kind under the charter or ordinances of the town of Lexington shall be eligible to be chosen as dispensary trustee or manager of the dispensary during the time he holds such office.

Compensation of trustees.

SEC. 15. That the dispensary trustees shall be paid for their services such sums as the board of commissioners of Lexington shall determine, which shall not exceed one hundred (\$100) dollars per annum.

Conflicting laws repealed.

SEC. 16. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed as to the said town of Lexington, but this repealing act is not to be construed to affect any existing law in its operation outside of the corporate limits of said town.

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

Ratified the 28th day of February, A. D. 1899.

#### CHAPTER 318.

An act to amend 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 an act to prohibit live stock from running at large in Cross Creek township, Cumberland county, shall be amended as follows: Section 1. That the boundaries of said stock

law territory shall be as follows: Beginning on the Cape Fear river bank, Mrs. Cochran's line of her Pine Park farm and runs with the line of said farm to the Raleigh road; then to W. J. Green's pond; then crossing said pond; then to the Murchison road at the northeast corner of Walter Tillinghasts' field; then through the McKoy to Mrs. McQueen's corner in Smith's line; then with McQueen's western line to the plank road; then crossing said road and running with her fence to a gate; then to and with Broadfoot's line by McDuffie's mill to Luther Cook's corner; then with his line to the plank road; then with said road to John Owens' residence; then to the Jenkins place, including farm of J. M. Pearce; then crossing both railroads to the piney bottom; then to Big Rock Fish creek about one mile above the bridge over said creek on the Wilmington road; then down Rockfish to the Cape Fear river; then up said river to the beginning, subject to the right of contiguous land owners to be brought within the operations of the act by their voluntary consent as expressed by their written petition to the board of commissioners of the said county.

An act to prohibit live stock from running at large in Cross Creek township, Cumberland county, amended. Boundaries of stock law territory defined.

SEC. 2. And all realty within the boundaries set out in section one of this act and realty hereafter brought within its provisions by voluntary act of owners shall be liable to taxation as provided in said original act: *Provided, however,* that no tax shall be levied or the purpose of this act against any realty within the corporate limits of the city of Fayetteville.

Realty within these bounds subject to taxation.

Proviso.

SEC. 3. That section five be amended as follows by adding thereto as follows: Any person may take up any live stock running at large within said territory and impound the same, and such impounder may demand such fee for impounding and keeping the same as may be allowed by the county commissioners of Cumberland county, who shall regulate such fees and appoint such registrars of stock as may be convenient.

Section 5 amended.

Stock impounded.

SEC. 4. This act shall be in force from and after its ratification. Ratified the 28th day of February, A. D. 1899.

#### CHAPTER 319.

#### An act to change the voting place and boundary line of Walnut Hill township, in Ashe county.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the voting place in Walnut Hill township, Ashe county, be and the same is hereby changed from Jacob Blevin's Mill to the forks of the road near Dr. L. C. Gentry's, and also that the boundary line of said township be changed as fol-

Voting place in Walnut Hill township, Ashe county, changed.

Township boundary line changed.      lows: Running from Willard McClure's south to Jackson Stuart's; then a straight line to the mouth of Piney creek; then up the north ford of New river to deep ford.

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

SEC. 3. This act shall be in force from and after its ratification. Ratified the 28th day of February, A. D. 1899.

#### CHAPTER 320.

An act to amend chapter two hundred and eighty-seven, public laws of eighteen hundred and ninety-one, relating to the sale of baled cotton.

*The General Assembly of North Carolina do enact :*

Chapter 237, public laws of 1891, relative to protection for cotton buyers, amended.

SECTION 1. That chapter two hundred and eighty-seven of the public laws of eighteen hundred and ninety-one be amended by adding at the end of section one the following words, viz: "Provided, this act shall not have the effect to prevent a deduction or rebate on the price agreed for fraudulent baling or packing of cotton or to prevent an indictment for false pretenses."

Counties to which applied.

SEC. 2. That this act shall apply only to the counties of Montgomery, Rowan and Stanly.

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

Ratified the 28th day of February, A. D. 1899.

#### CHAPTER 321.

An act for the relief of Enoch Rector, treasurer of Madison county.

*The General Assembly of North Carolina do enact :*

Enoch Rector, treasurer of Madison county, empowered to retain certain school taxes for 1900.

SECTION 1. That Enoch Rector, treasurer of Madison county, be and he is hereby allowed to call for a new settlement with the board of education, or any other person or persons to whom the control of the county school funds of Madison county may be intrusted, in reference to the school funds of said county which were apportioned among the districts of the said county on the first Monday in January, eighteen hundred and ninety seven. And whatever amount may be found in said settlement that the said Enoch Rector paid out more than he received for the school funds for that year he may retain such amount out of the school fund for the year nineteen hundred before the same has been apportioned among the several districts of said county.

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

Ratified the 28th day of February, A. D. 1899.

CHAPTER 322.

An act to prevent the obstruction of the waters of Fishing creek, in Wilkes county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any person to throw in or place near the waters of Fishing creek any slabs or refused lumber or anything else that would cause drifts in said creek in Wilkes county from its mouth to and including James Call's mill.

Obstruction of waters in Fishing creek, Wilkes county, unlawful.

SEC. 2. That any person violating any part of this act shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned at the discretion of the court.

Violation of this act a misdemeanor.

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

Ratified the 28th day of February, A. D. 1899.

CHAPTER 323.

An act to prevent the obstruction of navigation on North river and Currituck sound, in Currituck county, by timber getters.

*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any person, company or corporation to allow and [any] timber or mill logs to sink at any public or private landing on North river or Currituck sound in said county and fail to remove the same in thirty days after being requested to do so by the owner or owners of said public or private landings.

Obstruction of water in North river or Currituck sound, Currituck county, unlawful.

SEC. 2. That any person violating section one of this act shall be guilty of a misdemeanor and upon conviction shall be fined not less than two hundred nor more than five hundred dollars or imprisoned not less than six nor more than twelve months at the discretion of the court, one-half of said fine to be paid to the informer and the other half of said fine to the public school fund of Currituck county.

Violation of this act a misdemeanor.

Penalty.

Informer to be paid.

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

Ratified the 28th day of February, A. D. 1899.

## CHAPTER 324.

## An act for the relief of F. M. Straughan, janitor of the capitol.

*The General Assembly of North Carolina do enact :*

F. M. Straughan  
reimbursed \$21,  
money paid out  
by him.

SECTION 1. That the state treasurer be and he is hereby authorized and directed to pay to F. M. Straughan the sum of twenty-one dollars to reimburse him for money paid out to secure a janitor in his place during his sickness in the month of December, eighteen hundred and ninety-eight.

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

Ratified the 28th day of February, A. D. 1899.

## CHAPTER 325.

## An act to regulate the sale of spirituous liquors in Macon county, and to provide for a dispensary.

*The General Assembly of North Carolina do enact :*

Persons offering  
liquor for sale  
without license  
in Macon county  
guilty of a  
misdemeanor.  
Penalty.

Persons aiding  
and abetting.

Burden of proof  
on defendant.

Dispensary com-  
mission created.

Term of office.

Term of suc-  
cessors.

SECTION 1. That any person who shall sell or offer for sale in the county of Macon any spirituous or intoxicating liquors without a license or contrary to this act shall be guilty of a misdemeanor and upon conviction shall be fined and imprisoned. Any person aiding or abetting in any way the unlawful sale of any intoxicating liquors in said county and any person buying any spirituous liquors from any person or persons not authorized by law to sell the same shall be guilty of a misdemeanor and upon conviction shall be fined and imprisoned at the discretion of the court. That in all indictments under this act the burden of proof shall be upon the defendant, after a sale has been proven, to show license on the part of the seller.

SEC. 2. That J. L. Barnard, Dr. J. H. Fouts and Dr. S. H. Lyle are hereby appointed dispensary commissioners, first to hold office for one year, second for two years and the third for three years or until their successors are elected as herein provided. The successors to the commissioners first appointed shall hold office for three years and shall be elected in the following manner: Upon the expiration of the term of office of each commissioner whose term has not expired the remaining commissioners shall appoint the successor of the commissioner whose term has ex-

pired. Vacancies occurring for any cause shall be filled by the remaining commissioner or commissioners as the case may be for the unexpired term. If at any time there shall be vacancies in the office of all the commissioners at the same time so that the vacancy can not be filled as above provided, then the mayor and board of aldermen of said town shall appoint commissioners for the unexpired term of the three commissioners whose places are vacant.

Vacancies occurring.

SEC. 3. Said dispensary commissioners provided for in this act shall establish and maintain at some point on one of the principal streets in the said town of Franklin 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 a stock of such liquors in said dispensary as may be necessary to supply the demand thereof.

Commissioners shall establish and maintain dispensaries.

SEC. 4. 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 for sale in said dispensary. That the commissioners shall cause the liquors, except malt liquors purchased by them in cases or bottles, so purchased to be tested by a competent man 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 commissioner shall be only of well-established brands with reputation for purity. If any spirituous or vinous liquors are after purchase by said commissioners condemned by the said chemist making the analysis as impure and unwholesome all liquors of the same 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 county one person, to be known as the manager of said dispensary, who shall receive for his services reasonable compensation to be fixed by the dispensary board, who shall have charge and control of said dispensary under the supervision of 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. Said manager shall, before entering upon the duties of said office, execute to the county treasurer a bond with good and sufficient sureties in such sum as may be fixed by said commissioners, not less than five hundred dollars, conditioned that he will well and truly obey the dispensary law, the laws of the state and the rules and regulations established by said commissioners; that he will pay all fines, penalties, damages and costs

In what quantities sold.

Analysis of liquors.

Proviso.

Condemned liquors.

Dispensary manager.

Compensation.

Dispensary manager shall give bond.

that may be assessed or recorded against him for violations of such laws during his term of office, and will not sell intoxicating liquors at a price other than that fixed by said commissioners, and that he shall faithfully account to said commissioners for all moneys coming into his hands by virtue of said office. Said bond shall be for the use of the county and town aforesaid. Said bond 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 on any action under the provision of this act. All moneys collected for the breaches of such bond shall be distributed as other funds arising from said dispensary. Said bond shall be approved as any other official bonds of the county.

Liability of sureties.

How such money shall be distributed.

Rules and regulations.

Proviso.

Unlawful for manager to break packages.

Proviso.

Proviso.

Drinking on premises prohibited.  
Hours between which dispensary shall be open.

Price of liquors fixed by commissioners.  
Proviso.  
Maximum profit.

Sale of liquors to minors and intoxicated persons prohibited.

Sale or purchase for purpose of reselling, a misdemeanor.

Penalty.

SEC. 5. 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 of said dispensary sell in any form except in packages sealed as aforesaid, and it shall be unlawful for said manager to break open 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 barrels, and such malt liquors may be sold by said manager in such quantities not less than one bottle as he 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 daytime under such rules as said commissioners may adopt: *Provided*, the dispensary be closed on Sundays, election days and such other days as said commissioners shall direct.

SEC. 6. 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 one hundred per cent on the actual cost thereof, but to be fixed by the dispensary commissioners at a reasonable price.

SEC. 7. Said manager 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 liquors within the limits of said county; and the manager of said dispensary knowingly violating the provisions of this section, and any person purchasing from him for the purpose of reselling, bartering or exchanging the same, shall be guilty of a misdemeanor and on conviction shall be punished by a fine of not less than twenty-five dollars nor more than fifty dollars or imprisonment in the county jail not less than sixty days or by both fine and

imprisonment in the discretion of the court. And if said manager or commissioners become satisfied that any person has purchased or is purchasing for the purpose of reselling the said commissioners shall direct as to the quantity to be sold to such person, or if they become satisfied that any person is indirectly purchasing repeatedly for the purpose of reselling said commissioners shall direct the manager not to sell to such person except upon the certificate of a licensed physician that such liquors are needed for medical purposes.

SEC. 8. The manager 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 shall be removed by said commissioners, and any person refusing to leave the dispensary when ordered to by the manager shall be guilty of a misdemeanor.

Loitering about premises prohibited.

SEC. 9. The mayor and board of town commissioners of said town of Franklin 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.

Commissioners empowered to pass ordinances necessary to regulate sale.

SEC. 10. No druggist in said county shall sell any spirituous, vinous or malt liquors even upon the prescription of a physician. But the said druggist may purchase from the said dispensary spirituous liquors for the purpose of compounding medicines, tinctures and extracts that can not 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 the commissioners shall order the manager 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, 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 or device which may be used as a beverage or is intoxicating in its character.

Druggists prohibited from selling liquors on prescription.

Proviso.

When druggists purchase liquor for purpose of reselling.

Preparation of compounds as a beverage prohibited.

SEC. 11. If any person shall make any false or fictitious statement in order to obtain liquor at said dispensary for any minor or intoxicated person or for any other cause the person so offending shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than one dollar nor more than twenty-five dollars or imprisonment in the county jail not less than three nor more than thirty days.

False statements to secure liquor a misdemeanor.

SEC. 12. The mayor and board of town commissioners of said

Commissioners shall appropriate amount necessary to establish dispensary.

town and the board of county commissioners of said county shall if necessary 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 amount shall be repaid into the said treasuries out of the profits arising from said dispensary, and thereafter said dispensary shall be supported and maintained out of the profits arising from sales in said dispensary: *Provided*, 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.

Settlement of manager.

SEC. 13. The manager of said dispensary shall on the first Monday of each month, or oftener if required by the dispensary commissioners, pay over to the said dispensary commissioners all moneys received by him during the preceding month, and shall keep a strict account of all liquors received by him from said dispensary commissioners in books kept for the purpose, which shall at all times be subject to the inspection of said commissioners or any citizen of Macon county, 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 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 and the amount of liquors sold by him 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.

Books of manager subject to inspection.

Report of manager.

Annual report of dispensary commissioners.

SEC. 14. The dispensary commissioners shall make an annual report to the mayor and board of aldermen of the town of Franklin and the county commissioners of the county of Macon on or before the first Monday of April in each year, showing the receipts and expenses of the dispensary of the calendar year preceding, and the amount of net profits shall be equitably divided between the town of Franklin and the county of Macon upon the following plan: One-half thereof to the town of Franklin and one half thereof to the county of Macon, to be used as the boards of town and county commissioners may direct.

Dispensary commissioners shall make oath

SEC. 15. The said dispensary commissioners before entering upon the discharge of their duties shall make oath that they will well and truly carry out to the best of their ability all the provisions of this act: and the resident judge of the district may remove any of said commissioners when it shall appear that he has violated his oath or been guilty of other misconduct in his office

Commissioners may be moved for cause.

or violated this act in any way. Said commissioners shall each receive as compensation for his services not less than fifty dollars and not more than one hundred dollars per year, the amount to be fixed by the boards of town and county commissioners in joint session.

SEC. 16. That all laws and clauses of laws in conflict with this act be and the same with all pains and penalties are hereby repealed, and that section three thousand one hundred and eleven of The Code is hereby repealed as to its application to this act. Conflicting laws repealed.

SEC. 17. This act shall be in force from its ratification.

Ratified the 28th day of February, A. D. 1899.

### CHAPTER 326.

**An act to allow the commissioners of Gates county to levy a special tax.**

*The General Assembly of North Carolina do enact :*

SECTION 1. That the board of commissioners of Gates county be and they are hereby authorized and empowered to levy a special tax for the sum of three thousand five hundred (\$3,500) dollars, to be levied on all subjects of taxation and the poll in said county in the year eighteen hundred and ninety nine (1899). Commissioners of Gates county empowered to levy special tax.

SEC. 2. That said special tax shall be levied in same manner and at the same time that other taxes are levied in said county, and the constitutional equation between property and poll tax shall be observed therein. When and how levied

SEC. 3. That said special tax shall be collected and accounted for by the sheriff or other collecting officers in the same manner and under the same penalties that other taxes are collected and accounted for; but the sheriff or other collecting officer shall have two years and no longer in which to collect the said tax, and he shall collect in the year eighteen hundred and ninety-nine at least one half the amount levied against each individual taxpayer on account of said special tax; and every taxpayer shall have the option to pay during the year eighteen hundred and ninety nine the whole amount of said special tax levied against each one respectively, or to pay one half thereof during the year eighteen hundred and ninety-nine and the other half with (6 per centum) six per centum added thereto during the year (1900) nineteen hundred. By whom collected.

SEC. 4. That the said special tax shall be applied to the payment of the indebtedness of the county. Time in which said special tax shall be collected

SEC. 5. That this act shall be in force from and after its ratification. When said tax becomes due

Ratified the 28th day of February, A. D. 1899. For what purpose special tax levied.

## CHAPTER 327.

## An act to extend the stock law in Chatham county.

*The General Assembly of North Carolina do enact:*

Persons prohibited from allowing live stock to run at large in certain parts of Chatham county.

SECTION 1. That from and after the first day of September, eighteen hundred and ninety-nine, no person shall allow his or her live stock to run at large within that part of Chatham county embraced in the boundaries hereinafter set forth, and the provisions of the stock law as set forth in chapter twenty of volume two of The Code are hereby declared to be in full force and effect in said territory from and after said date.

Boundaries of territory to which this act applies.

SEC. 2. That the boundaries of said territory shall be as follows: Beginning at the southeast corner of Orange county where it joins Chatham county and thence down Haw river to where the present Pittsboro and Pioneer stock law fence is; thence with said fence south across Haw river; thence south from Haw river in a direct line to Gum spring; thence south to the western boundary of Spence Taylor's land, where the said stock law fence now is; thence with the said fence to the western corner on the Tom Harris old place on the Egypt road; thence with the said fence to the gate on the McQueen road; thence in a direct line to where the present stock law fence crosses the Pittsboro Railroad; thence with said fence to the gate on the Lockville road; thence in an easterly course south of the Pennington and Bright places to Haw river at the mouth of Stinking creek; thence up Haw river (which is hereby declared to be a lawful fence) to the old Henley bridge abutment on the east side of said river; thence along and on the north side of the old stage road to the present stock law fence; thence with said fence to Mann's shop; thence on the north side of the old stage road to the Etta Knight residence; thence a southeasterly course to John Rasberry's fence on the north side of the Pittsboro and Raleigh road; thence along the north side of said road to the old Henderson Council place; thence across said road and along the south side of the same to the stock law fence on the old Doctor Foushee place; thence with that fence to the Wake county line; thence with the Wake, Durham and Orange county lines to the beginning.

SEC. 3. That this act shall be in force from and after September first, eighteen hundred and ninety-nine.

Ratified the 28th day of February, A. D. 1899.

## CHAPTER 328.

## An act to authorize the issue of bonds by Raleigh township for school purposes.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the board of commissioners of Wake county are hereby required, upon the presentation to such board of a petition by the school committee of Raleigh township, to provide for the holding of an election in the township of Raleigh in the county of Wake upon the question of the issuance of bonds by Raleigh township, the proceeds of which are to be devoted to the payment for property bought or contracted to be bought for school purposes, the erection and repair of school buildings and the equipment of the public schools of Raleigh township. The election shall be held at such time during the year eighteen hundred and ninety-nine as the school committee shall request and under such rules and regulations as are or may be prescribed by law for the election of members of the general assembly. The county commissioners are required to appoint all necessary registrars and judges of election and to provide special ballot boxes for such election. The commissioners shall order a new registration of the voters of Raleigh township for such election, and it may be held at the same time as the election of municipal officers in the city of Raleigh. The county commissioners may in their discretion appoint as judges of election, for precincts within the limits of the city of Raleigh the persons or some of them who are appointed judges of election in the municipal election; but the registration shall be kept as a township registration, separate and apart from the city election, and the returns shall be made to the board of county commissioners as provided by law. At this election those who are in favor of issuing the bonds as provided in this act shall vote a written or printed ballot with the words "For school bonds," and those who are opposed shall vote a written or printed ballot with the words "Against school bonds." The expenses of this election shall be paid by the school committee of Raleigh township. The order for this election may be made at any regular meeting or at a special meeting called for the purpose.

SEC. 2. That if at the election provided for in this act a majority of the qualified voters of Raleigh township shall vote "For school bonds" the board of commissioners of Wake county shall be authorized to issue in the name and on account of Raleigh township coupon bonds of the township to an amount not exceeding fifty thousand dollars. Such bonds shall not be sold at less than their par value, and they shall bear interest at the rate

Commissioners of Wake county required to provide for an election upon question of bonds for the benefit of public schools of Raleigh township.

Election, when held.

Registration.

Judges of election

Form of ballot.

Expenses of election.

If vote favorable to bonds when issued.

Maximum amount.

Interest.	fixed by the school committee, not to exceed six per centum per annum; and if in the opinion of the committee bonds which bear five per centum per annum can be sold at par then the rate of interest shall be fixed at five per centum. The bonds issued under
Date of maturity.	authority of this act shall be payable not less than thirty years after date and shall have interest coupons attached, payable semi annually. The form and the denomination of the bonds
Form and denomination of bonds.	and coupons shall be determined by the committee, and the bonds shall be signed by the chairman of the board of commissioners of Wake county and by the chairman of the school committee of Raleigh township and attested by the secretary of the committee. The bonds shall be delivered to the commissioner
Proceeds of bonds.	of bonds hereinafter provided for, and when sold the proceeds shall be deposited to the credit of such commissioner of bonds and the chairman of the school committee of Raleigh township jointly, and shall be paid out only for the purposes named in this
For what purposes disbursed.	statute and upon proper vouchers drawn by the order of the school committee, signed by the chairman. The school committee
Report of school committee.	shall make a full report of the moneys received and expended under this act to the aldermen of the city of Raleigh at the time of making their annual report as required by the act of eighteen hundred and eighty-five, chapter one hundred and forty-one.
Commissioners authorized to levy special tax.	<p>SEC. 3. If a majority of the qualified voters of Raleigh township shall vote for the issuance of the school bonds the board of commissioners of Wake county shall annually levy in Raleigh township an additional tax of such amount as may be necessary to pay the annual interest accruing on the bonds and to create a sinking fund, not exceeding six cents on every hundred dollars worth of property and eighteen cents on every poll, and the amount realized by said tax shall be applied to the payment of the coupons on said bonds, and any sum realized in addition to the amount of the coupons as they mature shall be devoted to the creation of a sinking fund. Such tax shall be collected at the same time and in the same manner as the other school taxes of Raleigh township and paid to the treasurer of Wake county and be paid out by him as required by this act.</p>
Maximum special tax levy.	<p>SEC. 4. If the bonds shall be issued the board of commissioners of Wake county shall elect a suitable person to act as commissioner of bonds, to be known as the "commissioner of bonds" of Raleigh township. He shall hold his office for six years and until his successor is elected and qualified. The election of such commissioner shall be held immediately after the election provided for in this act, and before entering upon the discharge of his duties such commissioner shall give a bond with sufficient sureties in such sum as the board of county commissioners may designate, payable to the state of North Carolina, conditioned for the faith-</p>
Special tax, how and when collected.	
Election of commissioner of bonds.	
Term of office.	
When elected.	
Shall give bond.	

ful discharge of his duties and for the faithful accounting of all moneys and securities coming into his hands under the provisions of this act. The treasurer of Wake county shall by virtue of his office be the bond commissioner, unless some other person shall be elected by the board, and the official bond given by such treasurer shall cover the faithful performance of the duties of such bond commissioner. The compensation of the commissioner of bonds shall be one per centum upon receipts and disbursements.

Treasurer of Wake county may be bond commissioner.

SEC. 5. It shall be the duty of the commissioner of bonds and of the chairman of the school committee of Raleigh township, under the direction of the school committee, to dispose of the bonds placed in their hands and to apply the proceeds under the direction of the committee for the purposes mentioned in this act. The sheriff of Wake county shall turn over to the bond commissioner all moneys received from the taxation provided for in this act, and out of such moneys he shall pay the coupons of the bonds as they mature and are presented to him, and all amounts received in excess of the amount required to pay said coupons shall be invested in such securities as the board of commissioners of Wake county may from time to time direct, and the same shall be held as a sinking fund for the benefit of the holders of the bonds issued under this act. The commissioner shall annually forward to the school committee a full statement of all receipts and disbursements and a list of the securities held by him, and shall at the expiration of his term of office turn over to his successor all moneys and securities held by him.

Duty of commissioner of bonds and chairman of school committee

Taxes received under this act.

Sinking fund.

Annual settlement of commissioner.

SEC. 6. This act shall be in force from and after its ratification. Ratified the 28th day of February, A. D. 1899.

CHAPTER 329.

An act to establish a graded school in a new district in the town of Dobson and provide for a special assessment of taxes and authorize said district to issue bonds.

*The General Assembly of North Carolina do enact :*

SECTION 1. That a new school district be and the same is hereby established in the town of Dobson, in Surry county, bounded as follows: Beginning at the north-west corner of the present boundary line of the corporate limits of the town of Dobson, west of the Dobson and Haystack road, and running with the line of the corporate limits of said town in a southwesterly direction to the forks of the road above A. R. Folgers, on the Dobson and

Establishment of new school district in the town of Dobson, Surry county. Boundaries of new district.

Kappo road; thence in southerly direction a straight line to a point on the upper Elkin road, at the northwest corner of T. C. Cooper's field; thence a straight line to the fork of the Rockford road, south of R. F. McGriffin's; thence a straight line to the southwest corner of Richard Collins land; thence north to the southwest corner of Hines place or W. R. Martin; thence east a straight line to the plat of the town of Dobson; thence northwest with the line of the plat of the town of Dobson to the road leading to the tenant house of L. G. Waugh; thence northeast with said road to L. G. Waugh's stable; thence northwest a straight line to a branch; thence a straight line southwestern direction to the northeast corner of the plat of the town of Dobson; thence a northerly direction with R. Snow's line to his northeast corner; thence a westerly direction with said Snow's line to the Dobson and Mount Airy road; thence due north to the line of the corporate limits of the town of Dobson; thence in a westerly direction along said line to the Dobson and Haystack road; thence in a southerly direction along the east side of said road to a point opposite to the northeast corner of H. F. Comer's lot in the town of Dobson; thence west to the public spring; thence in a northerly direction to the northwest corner of Susan Gray's lot; thence east with her line to the west side of the said Dobson and Haystack road; thence northwest along the west side of said road to the corporate limit line of said town of Dobson; thence west with said line to the beginning.

Commissioners of Dobson authorized to order election for special school tax.

SEC. 2. That the board of commissioners of the town of Dobson on the first Tuesday of April, eighteen hundred and ninety-nine, may submit to the qualified voters in said territory in said town of Dobson, under such rules and regulations as they may prescribe, whether an annual tax shall be levied for the establishment and support of a graded school to be known as the "Dobson High School" for said district. That such qualified voters of such election shall vote a ticket on which shall be written or printed the words "For school" or "Against school." In case a majority of the qualified voters in such election shall favor the tax the same shall be levied and collected by the authorities of the town of Dobson, and the tax collector appointed by the board of town commissioners of said town of Dobson shall have the same power and authority and receive the same compensation and be subject to the same liabilities for the collection of taxes within said district as a county collector is by law for other taxes. The taxes thus levied and collected shall not exceed one half of one per centum and the taxes on the poll shall be equal to the amount levied on three hundred dollars worth of property, and that all moneys arising from the special assessment herein provided for shall be levied by the board of education on the property and polls within said school district, and the town collector after

Form of ballot.

Special tax, how collected.

Maximum special tax.

having executed a bond duly approved by the board of education within said district shall collect such taxes and pay the same over to the treasurer of said board of education. All moneys appropriated or apportioned by the county or state to said district shall likewise be turned over by the treasurer of Surry county to the treasurer of said board of education.

Bond of tax collector.

SEC. 3. That the board of town commissioners of said town of Dobson shall elect four persons who shall constitute a board of education for said district; of these two shall be elected for one year and two for two years, and at the expiration of each term their successors shall be elected for two years. The mayor of the town of Dobson shall be ex officio chairman of the board of education, but shall have no vote on any matter except in case of a tie.

Board of education.

Term of office.

Chairman.

SEC. 4. The members of the board of education so elected shall within three days after their election meet together and organize, electing one of their number as clerk and another as treasurer; but before entering upon the discharge of their duties each member of the board shall take and subscribe to an oath to faithfully discharge all the duties and obligations devolving upon them as members of said board of education, and the treasurer shall enter into a penal bond in such sum as may be prescribed by said board of education, and when the same is approved by them the treasurer shall enter into the discharge of his duties, receiving and receipting for all moneys due or paid in to said district, and paying the same out by order of the said board upon a warrant drawn by the clerk naming the appropriate fund, signed by the mayor as ex officio chairman and attested by the clerk. The treasurer shall also make out a full and complete financial statement annually on the first Monday in December and post the same at the court-house in the town of Dobson.

When board shall meet and organize.

Treasurer and clerk.

Oath.

Bond.

Duties of treasurer.

SEC. 5. That in case a majority of the qualified voters within said district shall favor the tax as set out in section two of this act, that said board of education are hereby authorized and empowered, for the purpose of building, establishing and equipping a graded school at once if they should so determine, to issue school bonds for said district, to be known as Dobson High School bonds, to an amount not to exceed one thousand dollars in such denominations as they deem advisable, bearing interest from date thereof at a rate not exceeding six per centum per annum, with interest coupons attached payable half yearly at such time and place as they 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 years from date thereof and at such place or places as the board of education may determine. Said bonds to be signed by the mayor as ex officio chairman of the board of education and attested by the clerk of said board.

If majority of voters favor special levy.

School bonds.

Style of bonds.

Interest.

Maturity of bonds.

- No bonds shall be disposed of for less than par value. SEC. 6. That none of the bonds authorized by this act shall be disposed of for less than par value, nor shall said bonds or their proceeds be used for any other purpose except as herein specified. The board of education shall set apart for the special purpose of Building fund. a building fund the sum of four hundred dollars, which shall be used for buying, building or adding to other buildings; they may acquire a suitable school building and the furnishing of same within said district; they shall also set apart a sum sufficient to pay the first year's interest on said bonds, and the remainder, with the exception of ten per centum reserved for incidental purposes. shall be used for the purpose of paying teachers' salaries and no other.
- Interest on bonds.
- When special tax apportioned. SEC. 7. That the taxes levied and collected and received by said board of education under section two of this act, together with all tuition fees, shall be apportioned by said board annually on the first Monday of February in the following manner, to-wit: First, Annual interest. a sufficient sum shall be set apart for the purpose of paying the annual interest on the bonds aforesaid, to be called the interest
- Paying off of bonds. Sinking fund. fund; second. a similar amount shall be set apart for the paying off and discharging said bonds, to be called a sinking fund, both of above-named funds to continue until the bonded indebtedness is discharged and no longer; third, the remainder of all moneys so received shall be set apart as a teachers' fund. excepting, fourth, Remainder. that ten per centum of the last-named fund may be set apart as an incidental fund; and that all of said funds shall be used for Ten per centum may be set apart as incidental fund. their own special purpose and no other.
- Election of teachers. SEC. 8. That the board of education for said district shall as soon as they determine to open the school elect such teachers as may be necessary to carry on the work they have in charge and Term of school. fix the term of school and fix the salary of each teacher at such amount as they deem proper, any other law to the contrary notwithstanding, and shall have such power to make and prescribe By-laws. such by-laws, rules and regulations as may be necessary for the government of the school.
- Who admitted for tuition. SEC. 9. That all white children of both sexes between the ages of six and twenty-one years having parents or guardians who are residents within the limits aforesaid shall be admitted free of tuition in said school. All children residing outside of the limits of said district may be admitted as pupils therein upon the payment of such rates of tuition as may be established by the board of education: *Provided*, that children whose parents or guardians own property and pay tax on the same within said district may be admitted free of tuition.
- Proviso. SEC. 10. This act to take effect and be in force from and after its ratification.

Ratified the 28th day of February A D 1899

CHAPTER 330.

An act to make Neuse river in Johnston county a lawful fence.

*The General Assembly of North Carolina do enact :*

SECTION 1. That Neuse river in Johnston county is hereby made and declared to be a lawful fence for the entire length in said county.

Neuse river, Johnston county, a lawful fence.

SEC. 2. That all laws and all resolutions of the county commissioners of Johnston county in conflict with this act are repealed, and this act shall be in force from its ratification.

Conflicting laws repealed.

Ratified the 28th day of February, A. D. 1899.

CHAPTER 331.

An act to protect the fish of Transylvania county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful to catch fish in the French Broad river or its tributaries with seine or net of any kind whatsoever between the first day of each May and the first day of September following.

Unlawful to fish with seine or net in French Broad river or tributaries at certain times.

SEC. 2. That it shall be unlawful to build any fish trap or structure whatsoever across the above-mentioned streams more than two-thirds of the width of the same calculated or intended to interfere with or obstruct the passage of fish along said stream.

Unlawful to build fish traps, etc.

SEC. 3. That any persons violating this act shall be guilty of a misdemeanor and on conviction shall be fined not less than five dollars nor more than ten dollars.

Violation of this act a misdemeanor.

SEC. 4. That this act shall apply only to the county of Transylvania.

Shall apply only to Transylvania county.

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

Ratified the 28th day of February, A. D. 1899.

CHAPTER 332.

An act to change the time of holding the spring term of Nash county criminal court.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter three hundred and eighty-nine of the laws of eighteen hundred and ninety-seven be amended as follows: By striking out in line five thereof the words "fourth Mon-

Chapter 339, laws of 1897, relating to time of holding Nash county court, amended.

day in January” and inserting in lieu thereof the words “first Monday before the first Monday in March.”

Conflicting laws repealed.

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

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

Ratified the 28th day of February, A. D. 1899.

#### CHAPTER 333.

##### An act to provide for the appointment of additional commissioners of Warren county.

*The General Assembly of North Carolina do enact:*

Upon affidavit of certain freeholders additional commissioners shall be appointed for Warren county.

SECTION 1. That whenever as many as five freeholders of the county of Warren shall make affidavit before the clerk of the superior court of said county that they believe that the business of said county will be more economically managed and its affairs better regulated by the appointment of additional commissioners, then upon the filing of such affidavit before the judge of the superior court resident in the judicial district in which said county is located it shall be the duty of said judge to appoint not less than two nor more than four honest and discreet electors of said county, members of the board of commissioners thereof, who from said appointment and their qualification shall be members of said board with the same powers, duties and privileges as those members who shall have been elected. The commissioners so appointed shall continue in office until the qualification of the board elected at the next general election.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws inconsistent with this act are hereby repealed in so far as they apply to Warren county.

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

Ratified the 28th day of February, A. D. 1899.

#### CHAPTER 334.

##### An act supplemental to an act ratified January eighteenth, eighteen hundred and ninety-nine, entitled “An act to provide for working public roads in Washington county.”

*The General Assembly of North Carolina do enact:*

Section 5 of an act ratified January 18th, 1899, relative to the working of pub-

SECTION 1. That section five of the act of the general assembly of North Carolina of the session of eighteen hundred and ninety-nine, ratified January the eighteenth, eighteen hundred and

ninety-nine, be amended by striking out in said section the word "fifteen" and inserting the word "three."

lic roads in Washington county, amended.

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

Ratified the 28th day of February, A. D. 1899.

#### CHAPTER 335.

An act to amend chapter sixty-seven, public acts eighteen hundred and eighty-seven, in and for the better protection of mechanics and laborers.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one of chapter sixty-seven of the public acts of eighteen hundred and eighty-seven be and it is hereby amended by adding the following at the end of said section, to-wit: *Provided further*, that any laborer, mechanic, artisan or person may furnish to such owner or his agents before he shall have paid the contractor an itemized statement of the amount owing to such laborer, mechanic or artisan employed by said contractor, architect or other person for work or labor on such building or vessel, and that any person may furnish to such owner or his agents an itemized statement of the amount due him for materials furnished for such purposes; and upon the delivery of such notice to such owner or his agent the person giving such notice shall be entitled to all the levies and benefits conferred by said chapter sixty-seven, public acts eighteen hundred and eighty-seven and by any other law of this state in as full and ample a manner as though the statement required by said section one of said chapter sixty-seven, public acts eighteen hundred and eighty-seven, to be given or furnished by the contractor, architect or other person had in fact been given or furnished.

Section 1, chapter 67, public acts of 1887, relating to liens of mechanics, amended. Proviso.

Laborers and others may furnish statements of amount due them by contractor.

Ratified the 28th day of February, A. D. 1899.

#### CHAPTER 336.

An act to increase the number of terms of the superior court held in Pasquotank county from two to four.

*The General Assembly of North Carolina do enact:*

SECTION 1. That there shall be held each year in Pasquotank county four terms of the superior court.

Four terms of court annually in Pasquotank county. When held.

SEC. 2. That the said terms shall begin on the third Monday of March, July, September and December of each year respectively and shall continue one week unless the business shall sooner be disposed of.

Trial of civil and criminal causes.

SEC. 3. That the first, third and fourth terms shall be for the trial of all civil and criminal cases.

Trial of civil causes only.

SEC. 4. That the second term shall be for the trial of civil causes only, at which term it shall only be required to have summoned eighteen jurors.

Conflicting acts repealed.

SEC. 5. All acts or parts of acts in conflict with this act be and the same are hereby repealed.

SEC. 6. This act shall be in force from and after its ratification. Ratified the 28th day of February, A. D. 1899.

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#### CHAPTER 337.

##### An act to authorize the treasurer of Cherokee county to pay Miss Effie V. Welch the sum of eleven dollars and ninety cents.

*The General Assembly of North Carolina do enact:*

Treasurer of Cherokee county authorized to pay Miss Effie V. Welch \$11.90.

SECTION 1. That the treasurer of Cherokee county, North Carolina, be and he is hereby authorized to pay Miss Effie V. Welch the sum of eleven and ninety one hundredth dollars (\$11.90), the balance due her as teacher of a public school for a term of three months in said county, out of the funds belonging to said school district where said school was taught in the year eighteen hundred and ninety seven, and said payment by said treasurer of Cherokee county shall be and constitute a proper voucher in his hand.

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

Ratified the 28th day of February, A. D. 1899.

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#### CHAPTER 338.

##### An act to pay Lillian Hill money due by Randolph county for teaching district school number fifteen, new, old number seventy-nine.

*The General Assembly of North Carolina do enact:*

Treasurer of Randolph county authorized to pay Lillian Hill \$7.50.

SECTION 1. That the treasurer of Randolph county be and is hereby authorized to pay Lillian Hill seven dollars and fifty cents (\$7.50) out of the public school funds due district number fifteen (15), white race, as a residue for services rendered as teacher in said district.

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

Ratified the 28th day of February, A. D. 1899.

## CHAPTER 339.

An act to amend section one of chapter five hundred and one of the public laws of eighteen hundred and ninety-three

*The General Assembly of North Carolina do enact :*

SECTION 1. That section one of chapter five hundred and one of the public laws of eighteen hundred and ninety-three be amended by adding the following words: "Provided, that this section shall not apply to O. J. Tatum's mill pond on Harrison's creek."

Section 1, chapter 501 public laws of 1893, relative to fishing in Bladen county, amended.

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

Ratified the 28th day of February, A. D. 1899.

## CHAPTER 340.

An act to amend chapter one hundred and forty-nine, public laws of eighteen hundred and eighty-five, to drain the lowlands lying in the counties of Rowan, Davidson, Davie and Catawba.

*The General Assembly of North Carolina do enact :*

SECTION 1. Amend section one of said act by inserting in line two thereof after the word "streams" and before the word "lying" the following words: "Or part of stream not less than two miles in length."

Chapter 149, public laws of 1885, relative to drainage of lowlands in Rowan, Davidson, Davie and Catawba counties, amended. Conflicting laws repealed.

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

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

Ratified the 28th day of February, A. D. 1899.

## CHAPTER 341.

An act to appoint a cotton weigher for the town of Enfield.

*The General Assembly of North Carolina do enact :*

SECTION 1. The mayor and board of commissioners for the town of Enfield at their first meeting which shall occur on or after the first day of July in each and every year shall elect a cotton weigher for said town of Enfield, whose term of office shall commence on the first day of August next after his election and continue for one year. In case any vacancy shall occur in the said

Mayor and commissioners of Enfield empowered to elect a cotton weigher. Term of office.

office the said mayor and board of commissioners shall proceed to fill the same for the unexpired term at their first meeting which may be held after such vacancy.

Duties of cotton weigher.

SEC. 2. That such cotton weigher shall provide himself with a suitable pair of scales with which he shall accurately weigh all baled cotton sold in said town at its true weight, and is hereby empowered to make a just and proper deduction for water and damage.

Oath of cotton weigher.

SEC. 3. Before entering upon the discharge of the duties of his office he shall take and subscribe the following oath before the mayor of said town, viz: "I, -----, do solemnly swear that I will faithfully perform the duties of cotton weigher in and for the town of Enfield, and that I will take no interest near or remote in buying or selling cotton in the said town of Enfield."

Shall give bond.

SEC. 4. Said cotton weigher shall give bond in the sum of one thousand dollars, with justified surety or sureties, for the faithful performance of his duties. Said bond shall be taken by the mayor and commissioners of said town and copied in the minutes of their meeting and filed with their records in their office.

Public record shall be kept.

SEC. 5. Said cotton weigher shall keep a record open to the inspection of the public, showing the names of the seller and purchaser and weight of cotton sold and date of sale, and shall receive a compensation of five cents for each bale of cotton weighed, to be paid by the purchaser.

No other person than cotton weigher shall weigh cotton.

SEC. 6. That no other person than said cotton weigher shall weigh cotton sold in said town under a penalty of ten dollars for each offense, said fine to be applied to the school fund of the county of Halifax upon conviction of the offender before any justice of the peace of said county.

Neglect of duties a misdemeanor.

SEC. 7. That upon its appearing to the mayor and board of commissioners of said town of Enfield that any cotton weigher appointed under this act has willfully, corruptly or negligently failed to discharge his duty or abused the trust conferred on him by this act he shall be dismissed from office by said mayor and commissioners.

Parties suffering damage may recover from bondsmen.

SEC. 8. Any party who may suffer damage by the willful, corrupt or negligent failure of the cotton weigher appointed under this act to discharge his duties or by the abuse of his trust may bring action on the bond of such cotton weigher in the superior court of Halifax county, and shall be entitled to recover in such action such damage as such person may have sustained by reason of such willful, corrupt or negligent failure of such cotton weigher to discharge his duties or by the abuse of his trust.

Neglect a misdemeanor.

SEC. 9. That any cotton weigher appointed under the provisions of this act who shall neglect his duties or willfully or cor-

ruptly abuse his trust shall be guilty of a misdemeanor and on conviction shall be punished by fine or imprisonment or both at the discretion of the court.

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

Ratified the 28th day of February, A. D. 1899.

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CHAPTER 342.

**An act to provide an appropriation of five thousand dollars for the immediate incidental expenses of the State's Prison.**

*The General Assembly of North Carolina do enact :*

SECTION 1. That the treasurer of North Carolina is hereby authorized and directed to pay to the executive board of the State's Prison of North Carolina, composed of E. L. Travis, W. H. Osborn and W. C. Newland, upon the order of said board, the sum of five thousand dollars from any funds of the state not otherwise appropriated, to be used by said executive board in the payment of the necessary incidental expenses of said State's Prison.

Treasurer of state authorized to pay State's Prison board \$5,000 for certain purposes.

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

Conflicting laws repealed.

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

Ratified the 28th day of February, A. D. 1899.

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CHAPTER 343.

**An act to change the township lines of certain townships in Alamance county.**

*The General Assembly of North Carolina do enact :*

SECTION 1. That all that portion of the county of Alamance described as follows be annexed to and form a part of Graham township in said county of Alamance, to-wit: Beginning at the bridge across Haw river at Juanita Cotton Mills (formerly Big Falls Cotton Mills) and running thence in a straight line to a point on Fancette township line, where Pleasant Grove township and Melville township corner; thence along the line which divides Pleasant Grove and Melville townships to Quaker creek; thence down the course of Quaker creek as it meanders to where it empties into Back creek; thence down the course of Back creek with its meanderings to where it empties into the Haw river and to the line of Graham township.

Boundaries of certain townships in Alamance county described.

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

Ratified the 28th day of February, A. D. 1899.

## CHAPTER 344.

An act to prohibit the manufacture and sale of spirituous liquors within three miles of Holt's chapel, at Glencoe Cotton Mills, in Alamance county.

*The General Assembly of North Carolina do enact :*

Manufacture and sale of spirituous liquors within three miles of Holt's chapel in Alamance county unlawful. Violation of section 1 a misdemeanor.

SECTION 1. That it shall be unlawful for any person to manufacture, dispose of or sell spirituous, vinous or malt liquors within three miles of Holt's chapel at Glencoe Cotton Mills in Alamance county.

SEC. 2. That if any person or persons shall violate the provisions of section one of this act he or they shall be guilty of a misdemeanor and upon conviction thereof shall be fined or imprisoned or both in the discretion of the court.

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

Ratified the 28th day of February, A. D. 1899.

## CHAPTER 345.

An act to authorize the board of commissioners for Jackson county to settle with John E. McLain and his sureties, and R. F. Allison and his sureties.

*The General Assembly of North Carolina do enact :*

Commissioners of Jackson county authorized to make settlement with John E. McLain and sureties.

SECTION 1. That the board of commissioners for the county of Jackson are hereby authorized and fully empowered (if in their judgment the best interest of the county will be thereby subserved) to settle by compromise or otherwise all indebtedness due to said county by John E. McLain and his sureties and by Rufus F. Allison and his sureties if in their judgment the claims in favor of the county can not be collected in full and the best interest and welfare of the county can be promoted by such compromise and settlement.

In case of settlement principal and sureties released from liability.

SEC. 2. That in case such settlement and compromise is affected [effected] as authorized in section one of this act the said commissioners are hereby authorized and empowered to release and discharge the said John E. McLain and his sureties and the said Rufus F. Allison and his sureties from all further liability and indebtedness to said county either as principal or bondsman.

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

Ratified the 28th day of February, A. D. 1899.

CHAPTER 346.

An act to increase the number of commissioners for Northampton county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That J. P. Parker, C. R. Harrell, Benjamin M. Pugh and Josephus A. Garriss are duly elected commissioners of the county of Northampton, and that they shall have the same powers and duties as the present members of the said board of county commissioners and who shall hold their office until the next election of commissioners for said county.

J. P. Parker, C. R. Harrell, Benjamin M. Pugh, Josephus A. Garriss appointed additional commissioners for Northampton county.

SEC. 2. That at the next election for commissioners held for said county, and every two years thereafter, there shall be elected in said county of Northampton five commissioners with the powers and duties which now are or may be hereafter prescribed by law for county commissioners.

Five commissioners shall hereafter be elected.

SEC. 3. That the commissioners herein named shall qualify and be inducted into office by filing the necessary oath before the clerk of the superior court of Northampton county.

When qualified.

SEC. 4. That all laws, parts and clauses of laws in conflict with this act be and the same are hereby repealed in as far only as they relate to Northampton county.

Conflicting laws repealed.

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

Ratified the 28th day of February, A. D. 1899.

CHAPTER 347.

An act to establish a dispensary in Clinton, North Carolina, and to regulate the sale and manufacture of liquor in Sampson county.

*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, wines or cider in the county of Sampson except as provided in this act.

Unlawful to sell spirituous liquors in Sampson county, except as herein provided.

SEC. 2. Manufacturers of spirituous or malt liquors, wines or cider may sell such products of their own manufacture within one hundred yards of the place of manufacture in the original package in quantities not less than five (5) gallons and not otherwise: *Provided*, that any person may sell wine or cider the product of their own vine or orchard and of his own manufacture.

Manufacturers may sell within 100 yards of place of manufacture in not less than five gallon packages. Provlso.

SEC. 3. That G. T. Rawls, E. T. Turlington and J. A. Stevens shall constitute the dispensary board for Sampson county, whose term of office shall commence the first day of April, eighteen hun-

Dispensary board.

dred and ninety-nine, and shall expire as follows: G. T. Rawls on the thirty-first day of March, nineteen hundred and one; E. T. Turlington on the thirty first day of March, nineteen hundred and three; and J. A. Stevens on the thirty-first day of March, nineteen hundred and five; and upon the expiration of any one of said terms or the occurrence of any vacancy by death or resignation or otherwise the chairman of the board of county commissioners, the superintendent of public schools of Sampson county and the mayor of the town of Clinton or a majority of them shall elect a successor or fill such vacancy as may occur immediately, and such successors as may be elected shall hold their office for six years from the first day of April of the year of their election, and the compensation of each member of said board shall be two dollars per day for each day of actual service. Each member of the dispensary board shall take an oath before some justice of the peace honestly to demean himself in his official position and faithfully perform the duties of his office.

**Term of office of successors.**

**Compensation.**

**Members of dispensary board shall take oath.**

**Dispensary board shall establish dispensary in town of Clinton.**

**Appointment of manager.**

**Manager shall give bond.**

**Salary of manager.**

**Proviso.**

**Manager shall purchase liquors.**

SEC. 4. The dispensary board of Sampson county shall establish a dispensary in the town of Clinton, which shall be the county dispensary for the sale of spirituous or malt liquors and wines. Said dispensary board shall elect or appoint a manager for said dispensary, who shall have charge of the same under the supervision of the said board and shall hold his position at the pleasure of said board. Said manager shall be required to give bond with two or more sureties who collectively shall justify before the clerk of the superior court of Sampson county in double the amount of said bond, payable to the chairman of the board of county commissioners, in such sum as the dispensary board may determine, not less than one thousand dollars, conditioned to account for all moneys and other property that may come into his hands as such manager and for the faithful performance of his duty 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 said dispensary board: *Provided*, this salary or compensation shall not be fixed by or dependent on the amount of sale. The dispensary board shall fix the salaries of such assistants as they may deem necessary, and said assistants shall be employed by and be under the control of said manager.

SEC. 5. The manager of said dispensary under the supervision of said board shall purchase all spirituous, vinous and malt liquors and in such quantities and at such times and on such terms as said dispensary board may determine for the use of said dispensary. Not more than one package shall be sold to any person or for the use of any person during the same day.

SEC. 6. All debts incurred for the establishment and mainte-

nance 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: *Provided*, that no such debts shall be presented to said treasurer or paid by him until the net profits of said dispensary shall have been exhausted, and debts so paid shall be repaid to the said county fund by said dispensary as soon as possible. Said dispensary board may insure the stock and fixtures in said dispensary.

Debts of dispensary shall be paid by Treasurer.

Proviso.

Money advanced by county shall be repaid.

Manager shall render monthly report.

SEC. 7. The manager of said dispensary shall sell only for cash at such prices as may be fixed by said manager, under the supervision and control of the dispensary board. Said manager at the close of each month shall make a report under oath (and the chairman of said dispensary board is hereby empowered to administer such oath) to the dispensary board, setting forth in detail all purchases made for said dispensary, the persons from whom purchased, the quantities, qualities, kinds and prices and the terms upon which bought and all items of expense. Said report shall also contain an itemized statement of all sales made by said dispensary, the persons to whom sold, when sold, the quantity, quality and price thereof. Said report shall also show in detail the indebtedness of said dispensary. The dispensary board shall carefully examine said report in all details and approve the same so far as found to be correct, and shall order the manager to pay all such debts and items of expense as have been approved by said board out of any assets in his hands and to take receipt for same and file said receipts with the dispensary board.

Dispensary board shall examine report.

SEC. 8. In addition to the monthly report herein provided for the manager of said dispensary, and said dispensary board shall make a quarterly report at the end of three months from the first day of April, eighteen hundred and ninety nine and every three months thereafter, under the same rules and in the same form and manner as the monthly report, to the treasurer of Sampson county, which shall be open for public inspection and which shall be kept by him as a part of the public records of his office; said quarterly report shall also show the net profit or loss of said dispensary for each quarter. Said manager shall pay over to the county treasurer one-third of such net profits for the use of the county and one third for the public school fund of the county, and shall pay one third of said net profits to the treasurer of the town of Clinton, and take receipts of such payments and file the same with the dispensary board: *Provided*, that the dispensary board, in case the authorities of the town of Clinton shall fail to employ proper and earnest efforts for the enforcement of this act and the suppression of the illicit sale of intoxicating liquors within the corporate limits of the said town, may employ such

Manager and dispensary board shall make quarterly report.

Amounts to be paid to county treasurer.

Proviso.

Prosecution for illicit sales.

portion of the money hereinbefore directed to be paid to the treasurer of said town as said dispensary board may deem necessary for the enforcement of this act and the suppression of such sales: *Provided further*, that the dispensary board may expend such sums as they shall deem necessary, not exceeding one-twentieth part of the amount hereinbefore directed to be paid to the county and school fund, out of such funds for the enforcement of this act and the suppression of illicit sale of liquor within the county of Sampson beyond the corporate limits of the town of Clinton.

Proviso.

Hours for opening and closing dispensary.

SEC. 9. The dispensary board shall make from time to time rules and regulations for the management of said dispensary not in conflict with this act or the laws of the state. Said dispensary shall open at sunrise and close at sunset and all sales of intoxicating or malt liquors or wines shall be in bottles, which must not be opened or drunk upon the premises; said bottles shall contain one-half pint, one pint, one quart and shall be sold only in such packages.

Analysis to be made of liquors.

SEC. 10. Said dispensary board may cause an inspection or analysis of such liquors and wines to be made from time to time to the end that no impure or adulterated liquors or wines shall be sold to said dispensary.

Dispensary record containing date of sales and to whom sold to be kept.

SEC. 11. The manager of said dispensary shall keep a proper book in some conspicuous place in said dispensary in which shall be entered the date of each sale, the person to whom sold, the kind and quantity and the price obtained therefor; such entry shall be signed in ink by the person obtaining such liquor or wines and shall show for whom the same was obtained. If the manager or his clerk shall have reason to believe that the applicant is a minor, intoxicated person or person in the habit of using intoxicants to excess, or that such liquor or wine is intended for the use of any minor, intoxicated person or person in the habit of using intoxicants to excess he shall refuse to sell to said person. If any applicant shall sign any name other than his own to said record or make any false statement or other false representation to procure liquor or wine from said dispensary such applicant shall be guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days, which fine shall be paid to the county fund.

Persons to whom manager shall refuse to sell.

Applicants making false statements guilty of misdemeanor.

Adulterated liquors.

SEC. 12. If said manager or his clerk shall adulterate or cause to be adulterated any liquors or wines which he or they may keep for sale under this act by mixing with coloring, water or any drug or ingredient whatever, or shall mix the same with other liquors of different kind or quality or with water, he or they shall be guilty of a misdemeanor and upon conviction shall be fined not less than one hundred dollars or imprisoned not less than

three months or both. If any manager or his clerk shall misappropriate, misuse or otherwise wrongfully dispose of any money or other property of said dispensary he shall be punished as in case of breach of trust with fraudulent intent.

Manager or clerks misappropriating money. Record shall be kept of purchases.

SEC. 13. Such manager shall keep a strict account of all liquor purchased by him in a book kept for that purpose; said book shall be subject at all times to the inspection of the state solicitor, the grand jury of the county, the dispensary board or any citizen. Said book shall show the amount and kind of liquor and wine purchased, the date of receipt, amount sold and amount on hand of each kind at the end of each month.

SEC. 14. Any manager or his clerk who shall make any false entry in any report required to be made or book required to be kept by this act or shall swear falsely 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.

Manager or clerks making false entry guilty of perjury.

SEC. 15. 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 liquor or wines are received or kept for use, barter or sale or for distribution or for division among its members within the county of Sampson, shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Persons connected with club rooms, where liquor is sold, guilty of misdemeanor.

SEC. 16. Any manufacturer of spirituous or malt liquors or wines who shall sell, barter or give away such liquors or wines in violation of this act shall be guilty of a misdemeanor and shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days, said fine to be paid to the treasurer of Sampson county for the use of the county fund.

Manufacturers giving away or selling liquor, guilty of misdemeanor.

SEC. 17. All laws or clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 18. That this act shall not take effect unless at an election to be held as hereinafter provided, a majority of the votes at said election shall be "For dispensary," and in that case it shall be in force and effect, and if a majority of the votes cast at said election shall be "Against dispensary" then this act shall be null and void.

Question of dispensary or no dispensary shall be submitted to voters.

SEC. 19. That in case a majority of the votes cast at said election shall be "For dispensary" this act shall take effect thirty days after said election.

If majority of votes are for dispensary, this act effective 30 days after election. When election may be ordered.

SEC. 20. That the board of commissioners of Sampson county shall order an election to be held at the several voting places in said county after thirty days' notice during the year eighteen

hundred and ninety-nine, submitting the question of "Dispensary" or "No dispensary" for the county of Sampson to be located at Clinton, North Carolina, to a popular vote.

Said election to be held under general election law.

SEC. 21. That said election shall be held under the general election law of this state.

Ratified the 28th day of February, A. D. 1899.

#### CHAPTER 348.

##### An act to improve road and establish a toll-gate on the Mulberry Gap road.

*The General Assembly of North Carolina do enact:*

Commissioners of certain counties shall appoint at meeting in May road supervisors for Mulberry Gap road.

SECTION 1. That the boards of county commissioners of the counties of Wilkes, Alleghany and Ashe shall at their regular meetings in May, eighteen hundred and ninety-nine select one man each from their respective counties as a road supervisor for the Mulberry Gap road hereinafter set out. Said three road supervisors shall constitute a board of road supervisors for said road. That part of said road embraced in this act lies from Gray post-office on the Ashe and Alleghany county line across and down the Blue Ridge mountain to the first ford of Mulberry creek in Wilkes county.

Part of said road embraced in this act.

Term of service of supervisors.

SEC. 2. That said board of supervisors shall serve for a term of twelve months and until their successors are chosen and qualified by the said boards of county commissioners in said three counties at their regular meetings in May of each year. Said supervisors shall each give bond in the sum of two hundred dollars to be taken and approved by the county commissioners and deposited with the register of deeds for the county for which the supervisor is selected. The said board shall meet at some convenient place on said road and elect one of their members chairman and another secretary and shall be a body corporate under the name of the board of supervisors for Mulberry Gap road, with all necessary power to carry out the provisions of this act.

Bond required.

Board shall elect chairman.

Shall provide for erecting and maintaining toll gate.

SEC. 3. That the said board of supervisors shall provide for erecting and maintaining a toll-gate at some convenient point on said road near the top of the Blue Ridge mountain and shall make all necessary rules and regulations for the proper control and management of the same. They shall employ some suitable person to keep said toll-gate for such time as they may think best, not exceeding their term of office, shall make such contract as they may think best with said keeper either at a fixed salary or a commission upon the receipts of said toll-gate and shall re-

quire said toll-gate keeper to execute a sufficient bond for the discharge of his duties and to account for the receipts of said toll-gate.

Toll gate keeper shall give bond.

SEC. 4. The said supervisors shall receive as compensation for their services the sum of one dollar per day for the time actually required in the discharge of their duties not to exceed the sum of five dollars in any one month, the said amount to be paid out of the receipts of said toll-gate.

Compensation of supervisors.

SEC. 5. That all receipts of said toll-gate except so much as is necessary to pay the expenses of the board of supervisors and the keeper of said toll gate shall be applied under the direction of said board of supervisors to improving and keeping in repair the said Mulberry Gap road as hereinafter set out and stated.

Receipts of toll gate, how applied.

SEC. 6. That the keeper of said toll-gate shall report to the chairman of the said board of supervisors at least once a month showing the amount received as toll and shall pay over to said chairman the amount so received. The members of the said board of supervisors shall each report to the board of county commissioners of their respective counties at their regular meeting in each month the amount received from said toll-gate during the month and give an itemized statement of the disbursement of the same. Such statement shall be under oath and shall give the number of days served by each member of said board and said report may be transmitted to the county commissioners by mail.

Keeper of gate shall render monthly report.

Report shall be made under oath.

SEC. 7. That the said board of supervisors shall regulate the rate of toll to be charged at said toll-gate, not to exceed the rate set forth in this act, and shall cause the said rates to be printed and posted up at three or more convenient places on said road, and if any keeper of said toll-gate shall charge more than the rate prescribed by said board he shall be subject to removal from such position and forfeiture of his salary or interest in said receipts.

Supervisors shall regulate toll to be charged.

SEC. 8. That in order to get said road in repair and in condition to merit the payment of toll and the erection of a toll-gate any and all persons who may desire to do so may expend money and labor on said road enough to put it in good repair at any time prior to the first day of November, eighteen hundred and ninety nine, and for such labor and money so expended the said supervisors shall issue certificates of indebtedness due by said corporation to such persons, one-half to be paid in cash from receipts taken in as toll and the other half to be taken up in travel over said road.

Certificates of indebtedness may be issued by corporation to persons expending money on road.

SEC. 9. That said supervisors shall not be required to erect said toll-gate unless the road is put in such condition by November first, eighteen hundred and ninety-nine, as in the opinion of said

When toll gate shall be erected.

supervisors it is fit and suitable for the erection of such gate and the payment of toll for travel over it, and if in their opinion it does not merit a toll-gate under the provisions of this act by said date this act shall then cease to be in force and the duties and obligations of said supervisors shall cease and be at an end.

Limitation to rates of toll.

SEC. 10. That in case said toll gate is erected under the provisions of this act the rates of toll shall not exceed the following: For two-horse wagon, twenty-five cents; one-horse wagon, fifteen cents; two-horse buggy or carriage, twenty-five cents; one-horse buggy, fifteen cents; each horse not in vehicle, ten cents; for four horse wagon, thirty-five cents; cattle, per head, when not in vehicle, five cents; sheep and hogs, one cent each. All the charges shall be regulated by the said supervisors in their by-laws, they being governed by this act.

Misdemeanor to pass over road and refuse to pay toll.

SEC. 11. That it shall be a misdemeanor for any person to pass over said road and refuse to pay the toll as prescribed by the by-laws of said supervisors, and any person convicted for so doing shall be fined or imprisoned in the discretion of the court.

In criminal proceedings said road shall remain public.

SEC. 12. That in all criminal proceedings in any court concerning this road it shall be and remain a public road of this state just like the other public roads in said counties.

SEC. 13. That this act shall be in force from and after May first, eighteen hundred and ninety-nine.

Ratified the 28th day of February, A. D. 1899.

#### CHAPTER 349.

##### An act for the relief of the commissioners of the town of Leaksville, in Rockingham county, North Carolina.

Preamble.

THAT WHEREAS, the commissioners of the town of Leaksville, Rockingham county, North Carolina, by an oversight failed to make a statement of taxes and expenditures for the year eighteen hundred and ninety eight as required by section three thousand eight hundred and sixteen of The Code; and

WHEREAS, certain parties have sued the commissioners for said failure; therefore

*The General Assembly of North Carolina do enact:*

Commissioners of Leaksville, Rockingham county, relieved from liability for failure to make annual statement.

SECTION 1. That the commissioners of the town of Leaksville in Rockingham county, North Carolina, be and the same are hereby released from any and all penalties that may attach to them for failure to make the annual statement as required by section three thousand eight hundred and sixteen of The Code.

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

Ratified the 28th day of February, A. D. 1899.

## CHAPTER 350.

An act to amend section one of chapter one hundred and forty-one of the public laws of eighteen hundred and ninety-seven.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one of chapter one hundred and forty-one of the public laws of eighteen hundred and ninety-seven be amended to read as follows: Beginning at the corner of J. T. Martin's lot on the road leading from the head to [of] White Oak swamp to Winnie; thence with said J. T. Martin's fence on the west side of the said road to corner of upper end of lane: thence with gate across the road to east side; thence up or near said road to the cross branch canal near the bridge; thence with the Purdie fence to the east side of White Oak swamp; thence down said swamp with Purdie's fence to Dunham's line; thence with Dunham's fence to D. J. Willoughby's upper line; thence with Willoughby and Dunham's line to Dunham's lower fence; thence with said fence to J. T. Martin's fence; thence with said fence to T. J. Kinlaw's fence: thence with said Kinlaw's fence to J. T. Martin's fence; thence with said Martin's lower line to the Clifton corner on east side of Clifton's residence; thence with Clifton's line to Clifton's corner on west side of residence; thence in a direct line to the beginning.

Relative to stock law territory in White Oak township, Bladen county. Territory altered.

SEC. 2. This act shall be in effect from and after its ratification. Ratified the 28th day of February, A. D. 1899.

## CHAPTER 351.

An act to empower the commissioners of Swain county to issue bonds for the purpose of paying off the indebtedness of said county, contracted and incurred by said county for the necessary expenses thereof.

*The General Assembly of North Carolina do enact:*

SECTION 1. That in order to liquidate, pay off and discharge the indebtedness of Swain county, contracted and incurred by said county for the necessary expenses thereof, the board of county commissioners of said county are hereby authorized and empowered by this act to issue coupon bonds of denominations of not less than one hundred nor more than five hundred dollars each to an amount not exceeding fifteen thousand (\$15,000) dollars, to be made payable at any period not more than thirty years from date of said bonds and bearing interest at not exceeding six per centum per annum, payable semi-annually at the office of the treasurer of said county at Bryson City on the first

Purpose of bond issue.

Commissioners authorized to issue bonds. Maximum amount. Date of maturity.

- Bonds, how signed.
- Coupons, when payable. Proviso.
- Signatures may be lithographed.
- Purpose of bonds issued to pay off county indebtedness.
- Said bonds may be exchanged for outstanding bonds of county.
- When holders of outstanding bonds do not desire to sell.
- Proviso.
- Commissioners may levy special tax to pay interest and principal.
- Monday in January and July of each and every year; and the said bonds shall be signed by the chairman of the board of commissioners of Swain county and countersigned by the register of deeds for said county and shall have the seal of the county placed on each bond, and the chairman of said board of commissioners shall sign the said coupons and the register of deeds for said county shall countersign them and the said coupons shall be paid semi-annually as aforesaid, and on the days aforesaid, which time of payment shall be printed in said coupons: *Provided*, that the exact signatures of the said chairman of the board of county commissioners and the register of deeds may be lithographed on the said coupons instead of being actually signed if the said board of commissioners shall so direct.
- SEC. 2. That the bonds issued by virtue of this act shall be for the purpose of paying off and discharging the indebtedness of Swain county, contracted and incurred by said county for the necessary expenses thereof, including the bonds issued by act of the general assembly, chapter one hundred and sixty-one, laws of eighteen hundred and ninety one and eighteen hundred and ninety-three, and all other outstanding liabilities of said county contracted and incurred by said county for the necessary expenses thereof, and the same shall not be taken, construed, deemed or held as the creation of new debts nor liabilities, but as a continuation of the outstanding debts and liabilities of said county contracted and incurred for the necessary expenses of said county as aforesaid.
- SEC. 3. That all bonds issued by virtue of this act shall, if the owners of any outstanding bonds or other evidences of debt on Swain county so desire, be exchanged for said outstanding bonds or other indebtedness of said county contracted and incurred by said county for the necessary expenses aforesaid, but in no event shall the bonds issued under and by virtue of this act be exchanged at less than par.
- SEC. 4. That in case the holders of old bonds or other evidences of debt on said county do not desire to exchange the same for the bonds authorized to be issued by this act, then in that event the said board of county commissioners shall issue the said bonds as herein provided and the county commissioners shall have power to sell the same and apply the proceeds of such sale to the payment of said outstanding bonds or other lawful liabilities of said county: *Provided, however*, that said bonds shall not be sold for less than par or their face value.
- SEC. 5. That for the purpose of paying off the coupons attached to the bonds authorized by this act as they shall respectively fall due and payable the county commissioners shall levy and collect as other taxes a tax annually upon all the property and polls and

other subjects of taxation in said county sufficient to meet and discharge the said coupons as they become due and payable and the sheriff of said county shall collect the same as required by law and turn the same over to the treasurer of said county: *Provided*, that in the levying of said tax the equation between the property and poll shall be observed in all cases. That the said county commissioners shall at any time not later than ten years from the date of issuing said bonds levy annually and collect as other taxes a tax on all property, polls and all other subjects of taxation in said county twenty cents on the one hundred dollars worth of property and sixty cents on the polls, which shall be held as a sinking fund for paying off the bonds issued under this act: and the county commissioners shall have power if they so elect to cause the treasurer of said county to pay off annually any of said bonds to the amount so collected: *Provided*, the same shall not exceed the par value, and in case it is impossible to pay off the said bonds as provided in this section the county commissioners shall invest the money so collected as a sinking fund at interest in such a manner as to always have the same ready at any time any of said bonds can be paid off and discharged.

Proviso.

Special tax.

Maximum special tax.

Proviso.

SEC. 7. All bonds issued under this act shall be registered by the register of deeds for Swain county in a book to be provided for that purpose, giving number of bond, amount, date and to whom issued and for what purpose issued.

SEC. 8. That at the annual meeting in June, eighteen hundred and ninety-nine, or sooner if they so elect, the said board of county commissioners shall determine whether or not the bonds shall be issued by virtue of this act, and if so issued the said board shall adopt a plan for the issuance of the same, and the said board shall confer with all persons holding any bonds on Swain county and ascertain whether or not the exchange herein provided for can be made; and said board shall issue said bonds and make such exchange in case it can be done, and if not shall take such steps as they may deem proper and place the same on the market for sale, and when sold the indebtedness of said county shall be paid off and discharged as said board may direct to the best advantage to the said county: *Provided*, said bonds shall not be sold for less than par or face value.

When commissioners shall determine whether or not bonds shall be issued.

When bonds sold indebtedness of county shall be paid off.

SEC. 9. That the taxes collected by virtue of this act shall be used for no other purpose than that herein specified, and any failure to levy, collect or apply the same as herein provided shall be a misdemeanor and punished according to law.

Taxes collected by virtue of this act shall be used for no other purpose.

SEC. 10. That said coupons shall be receivable for all county taxes.

Coupons receivable for taxes.

SEC. 11. That this act shall be in force from and after its ratification.

Ratified the 28th day of February, A. D. 1899.

## CHAPTER 352.

**An act to prohibit hunting on any lands in Surry county except by permission of owners.***The General Assembly of North Carolina do enact :*

Permission of owner necessary to hunt on lands in Surry county.

SECTION 1. That it shall be unlawful for any person to hunt upon the lands of another in Surry county with or without gun or dogs except by permission of the owner.

Violation of this act a misdemeanor

SEC. 2. That any person so offending shall be deemed guilty of a misdemeanor and upon conviction shall be fined not exceeding ten dollars for each and every offense.

SEC. 3. This act shall be in force from and after its ratification. Ratified the 28th day of February, A. D. 1899.

## CHAPTER 353.

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

Commissioners of Cumberland county shall set apart certain taxes

SECTION 1. That the board of commissioners of Cumberland county at the regular meeting on the first day of June in each and every year shall set apart from the taxes that shall be due and annually collected from the Wilmington and Weldon Railroad or any person or corporation owning, using or controlling the railroads or branches thereof of said company in the county of Cumberland an amount not exceeding the sum of three thousand dollars, which said sum shall be held by the treasurer of said county as a separate fund to be known as the "public road fund," and which shall be applied under the order of said board of commissioners for the exclusive purpose of maintaining, clothing, supporting, guarding, providing quarters for and employing overseers for the convicts herein provided for, buying tools, machinery, teams and maintenance thereof, the same to be used for the construction and keeping in repair the public roads of Cumberland county: *Provided*, that the said sum shall not be set apart until the annual interest on the bonds issued by the county commissioners under the provisions of chapter two hundred and ninety-two of the acts of the general assembly of eighteen hundred and ninety-three and known as the court-house bonds shall have been provided for and a sinking fund for their final redemption created as contemplated by the provisions of said act, said sinking fund to be sufficiently large so that with its annual accretions it will be ample to pay said bonds at maturity, and the second

How said fund shall be applied.

Proviso.

Shall not be set apart until certain time.

section of chapter two hundred and ninety-two of the acts of the general assembly of eighteen hundred and ninety-three is modified so far only as the provisions of this act are inconsistent therewith.

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 Cumberland 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, manslaughter, 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.

Persons may be worked on public roads.

Who may be sent to roads.  
Proviso.

SEC. 3. That the mayor of the city of Fayetteville 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 offenses 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 or either.

Mayor and commissioners empowered to send persons failing to pay fine to roads.

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 Cumberland 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 Cumberland county shall make application for such convicts for the purpose of working them on the said public roads of Cumberland county. And it is expressly provided that if at any time the said board of commissioners of Cumberland 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 the said courts of such county or counties of their determination, and after such

Commissioners shall first make request of judge before said prisoner shall be sentenced to road.

notification the judges holding such courts shall cease to sentence such persons to be worked upon the public roads of said county of Cumberland and shall sentence the same as is now provided by law.

Commissioners may employ competent civil engineers to lay out roads, etc.

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 them or any of them at any time without being subjected to action therefor at the instance of such person discharged.

Credit to be allowed persons for work on public roads

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 every 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.

Proviso.

Proviso.

Overseers and guards may be required to give bond.

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 Cumberland, 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.

Commissioners shall provide comfortable quarters for prisoners.

Proviso.

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 clothe them in suitable manner: *Provided*, that said board of commissioners nor any individual member shall be civilly liable to any action for damages for anything done or omitted to be done in good faith under this act.

Commissioners may purchase certain machinery.

SEC. 9. It shall be lawful for the said board of commissioners to allow in their discretion in all respects the board 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.

SEC. 10. It shall be unlawful for the treasurer or any other officer of said county to use or permit to be used any of the said sinking fund or "public road" fund for any purpose other than that herein provided for and any officer so using or permitting the same to be used or who fails, neglects or refuses to carry out any of the provisions of this act shall be guilty of a misdemeanor.

Said sinking fund shall not be used for other purpose.

SEC. 11. Nothing in this act shall be construed to relieve persons required by law to work the public roads of said county from performing said duty.

Nothing in this act relieves persons from road duty.

SEC. 12. The work done under the provisions of this act shall begin at Fayetteville and shall be done on the roads most requiring work, in the discretion of said board of county commissioners: *Provided*, that not more than five miles of any one road shall be worked at any one time; that is to say it shall be the duty of said board to as nearly as possible equalize the road facilities in all direction by working the public roads in sections of five miles on each, beginning at Fayetteville.

When work shall begin.

Proviso.

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 Cumberland county.

Conflicting laws repealed.

Ratified the 28th day of February, A. D. 1899.

CHAPTER 354.

An act to prevent persons hunting birds or any other game on another person's land in Wake county without their consent.

*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any person to hunt birds of any kind or any other game on the lands of any other person in Wake county without the permission of the owner thereof.

Hunting birds in Wake county without consent of owner of land unlawful.

SEC. 2. Any person violating this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined five dollars for each and every offense.

Penalty.

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

Ratified the 28th day of February, A. D. 1899.

## CHAPTER 355.

**An act to provide for the care and treatment of the insane and inebriate Croatan Indians.***The General Assembly of North Carolina do enact :*

Directors of state hospital at Raleigh shall arrange to treat Croatan Indians

SECTION 1. That it shall be the duty of the board of directors of the State Hospital at Raleigh as soon as practicable to arrange for the care and treatment of all insane and inebriate Croatan Indians at the State Hospital at Raleigh in a department separate and distinct from the white insane and inebriates in said hospital.

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

Ratified the 28th day of February, A. D. 1899.

## CHAPTER 356.

**An act to validate all stock law elections heretofore held in Johnston county, and to give the county commissioners control of all stock law territories in said county.***The General Assembly of North Carolina do enact :*

Stock law elections in Johnston county validated.

SECTION 1. That all those sections and portions of Johnston county which have heretofore been declared to be under the stock law are hereby declared to be under the stock law, and all elections and all declarations of the board of commissioners of Johnston county declaring said law to be in force are hereby legalized, validated and made regular, and all defects, defaults and irregularities are hereby cured.

Commissioners of Johnston county given control of stock law district.

SEC. 2. That the board of commissioners of Johnston county is hereby given full control of all stock law district in said county, and the said board is empowered and directed at its meeting in March, eighteen hundred and ninety-nine, to appoint one or more commissioners for each district, whose duty it shall be to supervise the keeping in repair all stock law fences; his or their pay shall be fixed by the board and his or their appointment shall be for one year. Such commissioners shall supervise all work done in keeping up the fence and he shall report his work each month to the board of commissioners, and upon an approval of his accounts the board shall order their payment out of the stock law funds.

SEC. 3. The board of commissioners at the time of levying the county taxes shall levy upon all the land in said stock law districts an assessment not to exceed twenty-five cents on the hundred dollars of value. The register of deeds shall calculate the tax and place it on the tax list as he does other taxes, and the sheriff shall collect said stock law assessment as he collects other taxes. The treasurer of the county shall be treasurer of the stock law fund, and he and the sheriff shall receive the same percentage for collecting and disbursing the stock law fund as they receive for the county fund.

Commissioners shall levy special assessment on stock law territory.

Treasurer of county, treasurer of stock law fund.

SEC. 4. That it shall not be lawful for any live stock or geese to run at large in any section or district where the stock law prevails, and any live stock or geese running at large in said district may be impounded as is provided for the impounding of stock in sections two thousand eight hundred and sixteen, two thousand eight hundred and seventeen and two thousand eight hundred and eighteen of The Code.

Live stock or geese shall not run at large in stock law territory.

SEC. 5. That if any person shall negligently or willfully allow his or her live stock or geese to run at large in said district such person shall be guilty of a misdemeanor and such live stock or geese shall be impounded as is provided as aforesaid, and the claim of the impounder for his charges and damages shall be superior to the claim of any mortgage: *Provided*, that the mortgagee shall be notified of any sale.

Persons negligently or willfully violating this act guilty of misdemeanor.

Proviso.

SEC. 6. If any person shall negligently or willfully permit fire to communicate to any stock law fence he or she shall be liable in a suit to be brought by the county commissioners for all damage resulting, and if a person willfully sets fire to wood or straw and permits it to burn any stock law fence he shall be guilty of a misdemeanor.

Persons permitting fire to communicate to stock law fences, liable.

SEC. 7. That hereafter local tax collectors and local fence commissioners shall be abolished and all their powers shall be conferred upon the county commissioners.

Powers of tax collectors and fence commissioners conferred on county commissioners. Chapter 20 of The Code applicable.

SEC. 8. That all the sections of chapter twenty of The Code entitled "Fences and stock law," not inconsistent with this act, are hereby declared to apply to and be in full force in all the stock law districts and townships of Johnston county.

Territory included.

SEC. 9. That all the territory of Johnston county be included except that heretofore fenced out.

SEC. 10. This act shall be in force and effect from and after its ratification.

Ratified the 28th day of February, A. D. 1899.

## CHAPTER 357.

## An act for the better government of Forsyth county.

*The General Assembly of North Carolina do enact:*

Additional commissioners appointed.

SECTION 1. That D. H. King, Romulous Linville (of Belews creek), J. M. Crews, R. L. Cox and J. J. Marshall of the county of Forsyth in this state be and they are hereby appointed members of the board of commissioners of said Forsyth county with the same rights and powers and subject to the same duties and liabilities as members of said board as if they had been duly elected at the last general election in said county.

Board of commissioners, by whom constituted.

SEC. 2. That the three commissioners elected in said county at the last general election and the five appointed in this act shall constitute the board of commissioners for Forsyth county after they have taken the oath of office before the clerk of the superior court of said county or some acting justice of peace in said county.

When first meeting held.

SEC. 3. That on the first Monday of March, eighteen hundred and ninety-nine, the five commissioners provided for in this act shall meet in session with the three commissioners now in office in the court-house in said county for the transaction of such business as may come before them and they may organize the board by the election of one of their number as chairman of said board: *Provided*, no member shall receive more than one dollar per day and mileage for each day attended by him.

Organization of board, *Proviso*.

Majority vote shall rule actions.

SEC. 4. That a vote of the majority of the board as constituted under this act shall control the action of the board in all matters before the board for consideration.

Commissioners may examine official bonds.

SEC. 5. That said board of commissioners when they meet to organize under this act or at such other times as they may deem proper may examine all the official bonds of the county and township officers of said county, and if a majority of the board are not satisfied with the sufficiency of the surety or sureties of any bond of any such officer the chairman of the board shall cause notice to be served by the sheriff of the county or some constable in said township on such officer or officers to appear before the board of commissioners on a day to be named in said notice, which shall be at least ten days after the service of said notice and give bond or bonds which shall be satisfactory to the majority of said board of commissioners, and upon failure of any such officer so to do the board shall have power to at once declare the office vacant and proceed to fill the same by the appointment of some other person, and upon such appointee executing to the board a satisfactory bond or bonds as required by law and taking the oath of office he shall be inducted into office.

May declare offices vacant.

SEC. 6. That all vacancies in the office of register of deeds,

boards of county commissioners, sheriff, tax collector, coroner, supervisor, township constable, treasurer, supervisor of public schools and county board of education and supervisor or overseer of roads shall be filled by the board of commissioners of said county.

Vacancies among county officers, how filled.

SEC. 7. That the above sections of this act shall remain in force and effect until the new board of commissioners for said county can be elected and inducted into office under the general laws of the state.

Effective until new board is elected.

SEC. 8. That all the county and township officers shall be required to render their bonds on the first Monday in December, Anno Domini eighteen hundred and ninety-nine, and annually thereafter: *Provided*, that this act shall not deprive the board of commissioners of the right to examine and pass upon said bond or bonds provided for in section five of this act.

Officers required to enter bonds in December, 1899.

Proviso.

SEC. 9. That the secretary of state shall certify a true copy of this act under the great seal of the state within three days after its ratification to the chairman and the board of county commissioners of Forsyth county at Winston, North Carolina: and said chairman shall at once cause notice to be served on the five commissioners appointed in this act of their appointment, which notice shall be served by the sheriff or any constable of Forsyth county.

Secretary of state shall certify notice of act.

SEC. 10. This act shall be in force from and after its ratification. Ratified the 2d day of March, A. D. 1899.

CHAPTER 358.

An act to allow Tyrrell county to levy special tax.

WHEREAS, the county of Tyrrell has an outstanding debt amounting to say nine hundred and fifty dollars with accrued interest thereon due by county orders or warrants issued by the board of county commissioners before March thirteenth, eighteen hundred and ninety-five, and there is no provision made for the payment of said debt; and

Preamble.

WHEREAS, since the thirteenth day of March, eighteen hundred and ninety-five, there has been issued by the county commissioners orders or warrants which by law must be paid agreeable to the numbers of said orders a sufficient amount to consume all of the general county taxes which will be collected in eighteen hundred and ninety-nine and nineteen hundred, hence the board of county commissioners are placed to a great disadvantage to meet the current and necessary county expenses; therefore

*The General Assembly of North Carolina do enact :*

Commissioners of Tyrrell county authorized to levy special tax.

SECTION 1. That the board of county commissioners of Tyrrell county shall levy a special tax of two thousand eight hundred dollars, observing the equation between property and poll; the same shall be collected and accounted for by the same officers who shall collect and receive the other county taxes, and the commissioners shall require a sufficient bond of the sheriff or collector and the county treasurer for the faithful collection and payment of the said fund.

How said special tax shall be applied.

SEC. 2. That one thousand four hundred dollars of said tax so levied shall be applied to the payment of all county orders or warrants and the interest due thereon issued by the county commissioners of Tyrrell county, North Carolina, before the thirteenth day of March, eighteen hundred and ninety-five; one-half of the said one thousand four hundred dollars shall be collected and paid in eighteen hundred and ninety-nine and the remaining half in nineteen hundred.

How special tax applied.

SEC. 3. That one thousand four hundred dollars of said tax set forth in section one of this act shall be applied to the payment of orders or warrants issued by the county commissioners after the passage of this act and for no other purpose; seven hundred dollars of said one thousand four hundred dollars shall be collected in eighteen hundred and ninety-nine and the remaining seven hundred dollars in nineteen hundred and paid out accordingly.

Limitation to special tax.

SEC. 4. That the special tax set forth in this act shall not exceed twenty cents on the hundred dollars valuation of property and sixty cents for the poll.

Surplus remaining shall be used in paying county orders.

SEC. 5. The surplus remaining in the hands of the treasurer of Tyrrell county, North Carolina, after paying off and settling the bonds provided for in chapter two hundred and fifty-seven, laws eighteen hundred and eighty-nine, shall be used by the county commissioners of Tyrrell county in payment of county orders or warrants issued after the passage of this act and for no other purpose.

Unlawful to apply said special tax otherwise than as provided.

SEC. 6. That it shall be unlawful for any county officer to use any of the moneys arising from the provisions of this act for the payment of any county orders or warrants and not provided for in this act; any officer of said county violating the provision of this section shall forfeit the amount of said order or warrant and the said warrant or order shall in no case be allowed the said officer in his settlements.

Conflicting laws repealed.

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

SEC. 8. This act shall be in force from and after its ratification. Ratified the 2d day of March, A. D. 1899.

CHAPTER 359.

**An act to allow the board of commissioners for Jackson county to levy a special tax**

*The General Assembly of North Carolina do enact :*

SECTION 1. That the board of commissioners for the county of Jackson are hereby authorized and empowered at the regular times for levying taxes in the years eighteen hundred and ninety-nine and nineteen hundred to levy a special tax upon property and polls in said county for the purpose of discharging and paying the general county indebtedness and repairing and constructing bridges in said county.

Commissioners empowered to levy special tax

SEC. 2. That said commissioners are hereby authorized and empowered under this act to aid in the construction of a bridge across the Tuckaseegee river in Barker's Creek township in said county at such place in said township as said commissioners may decide to be for the greatest convenience of the citizens of said county.

Empowered to aid in construction of bridge.

SEC. 3. That the amount of the tax levied as aforesaid under this act shall be determined by said board of commissioners, but shall not in either year exceed thirty-three and one-third cents on the one hundred dollars worth of property and one dollar on the poll, and the constitutional equation between the property and the poll shall always be observed in making such levies.

Maximum of special tax.

SEC. 4. That said tax shall be collected and accounted for by the sheriff or tax collector of said county in the same manner and under the same penalties prescribed by law for the collection of other taxes in said county.

How said taxes accounted for.

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

Ratified the 2d day of March, A. D. 1899.

CHAPTER 360.

**An act to prohibit hunting or fishing on any lands in Wilkes county except by consent of owner.**

*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 or waters of another in Wilkes county with or without gun or dogs except by written consent of the owner.

Written consent of owner necessary to hunt on lands in Wilkes county.

SEC. 2. That 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 for each and every offense.

Penalty.

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

Ratified the 2d day of March, A. D. 1899.

CHAPTER 361.

An act to repeal chapter four hundred and twenty-nine, public laws of eighteen hundred and ninety-five.

*The General Assembly of North Carolina do enact :*

An act to providing for graded schools in town of Clinton repealed.

SECTION 1. That chapter four hundred and twenty-nine (429) of the public laws of North Carolina of the session of eighteen hundred and ninety five (1895), entitled "An act to establish graded schools in the town of Clinton, North Carolina," be and the same is hereby repealed.

When this act is effective.

SEC. 2. That this act shall be in force from and after the fifteenth day of June, Anno Domini eighteen hundred and ninety-nine: *Provided*, it shall have been ascertained that a majority of the qualified voters residing within the corporate limits of the town of Clinton, said county, have cast their ballots against graded school taxes at an election to be held as hereinafter provided.

Question whether or not annual tax shall be levied shall be submitted to voters.

SEC. 3. That there shall be submitted to the qualified voters residing within said limits on the Tuesday after the second Monday in May, eighteen hundred and ninety nine, under such rules and regulations as may be prescribed by the board of commissioners of the said county of Sampson, the question whether an annual tax shall be levied within said limits for the support of graded schools for whites and blacks to be located within said limits; each voter shall vote a ballot without device with the words "For graded school taxes" printed or written thereon, or partly printed or partly written thereon, if in favor of levying said taxes; or if opposed to the levying of said taxes shall vote a ballot without device with the words "Against graded school taxes" printed or written thereon, or partly written or partly printed thereon.

Form of ballot.

Penalties for illegal voting.

SEC. 4. That the penalties for illegal and fraudulent voting in the election herein provided for shall be the same as in the election for the members of the general assembly.

If ballots cast for graded school taxes.

SEC. 5. That should it be ascertained as the result of said election that a majority of the qualified voters within said limits have cast their ballots "For graded school taxes" then this act shall be null and void and of no effect.

Ratified the 2d day of March, A. D. 1899.

CHAPTER 362.

An act in relation to public schools in the town of Maxton.

*The General Assembly of North Carolina do enact :*

Constituted public school district.

SECTION 1. The town of Maxton shall be and is hereby constituted a public school district for both white and colored schools.

SEC. 2. The school committee hereinafter provided for shall

have entire and exclusive control of the public school interests and property in the town of Maxton, shall prescribe rules and regulations for their own government not inconsistent with the provisions of this act, shall employ and fix the compensation of teachers and do all other acts 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 Maxton between the ages of six and twenty-one years shall be admitted into said schools free of tuition charges: *Provided further*, that the school committee may receive as students non-resident children upon payment of reasonable tuition charges, to be fixed by the committee.

Jurisdiction of school committee.

Proviso.  
School age.

Proviso.  
Non-residents may be received as students.

SEC. 3. A. J. McKimmon, J. W. Carter, J. B. Weatherly, T. B. Pace, W. S. McNair, J. A. McLean and G. B. Patterson are hereby appointed school committeemen for the public schools of said town of Maxton. As soon as the said committee shall have qualified they shall divide themselves by lot into three classes. The first class shall be composed of two members, the second class of two members and the third class of three members. Successors in office to the members of the first class shall be elected by the board of commissioners of Maxton at their first regular meeting in July, eighteen hundred and ninety-nine, and successors in office to the members of the second and third classes shall be elected by the board of commissioners of Maxton two and four years respectively thereafter. Persons elected school committeemen by the board of commissioners shall be elected for a term of six years. Vacancies caused by death, removal or other cause shall be filled by the board of commissioners of town of Maxton. The mayor of Maxton shall be ex officio chairman of the school committee.

School committee appointed.

Vacancies.

SEC. 4. At the date of the municipal election next ensuing the passage of this act or at any time within twelve months thereafter, as the school committee may determine and request, the board of commissioners of the town of Maxton shall submit to the qualified voters of said town the question whether a special school tax shall be annually levied to supplement the public school fund in said town. Said election shall be held under the rules and regulations governing municipal elections in said town, and for the purposes of said election the board of commissioners shall order an entirely new registration. For the purpose of ordering said registration and election the board of commissioners may meet in special session. At the election to be held under the provisions of this act those who favor the levying of such tax shall vote a ticket on which shall be printed or written the words "For special tax," and those who are opposed shall vote a ticket on which shall be printed or written the words "Against special

Question of special school tax shall be submitted to voters.

Form of ballot.

- tax." If a majority of the qualified voters shall be in favor of said tax the same shall be annually levied and collected as the other town taxes, and the tax collector shall be subject to the same liabilities for the collection and disbursement of the said tax as he is or may be for other town taxes. The taxes levied and collected under the provisions of this act shall be placed to the credit of the school committee and shall be by them applied exclusively to the support and maintenance of the public schools in the town of Maxton. The special school tax thus levied and collected shall not exceed fifty cents on the one hundred dollars valuation of property and one dollar and fifty cents on the poll.
- Liability of tax collector.** SEC. 5. The moneys which shall from time to time be apportioned under the general school law to the public schools in Maxton shall be placed to the credit of the school committee provided for in this act.
- Limitation to special tax. Moneys apportioned under school law.** SEC. 6. It shall be the duty of the said school committee to distribute and apportion the school moneys placed to their credit so as to give each school in the town, white and colored, the same length of school term as nearly as may be each year, and in making expenditures the 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, in said town.
- Money apportioned between white and colored schools.** SEC. 7. The school committee shall make an annual report to the board of commissioners of the receipts and disbursements of all school funds under their control.
- Committee shall make annual report.** SEC. 8. The school committee hereby created shall be a body corporate by the name and style of "The School Committee of Maxton," and by that name shall be capable of receiving gifts and grants, of purchasing and holding real and personal estate, of selling, mortgaging and transferring the same for school purposes, of prosecuting and defending suits for or against the corporation hereby created. Conveyances to said school committee shall be to them and their successors in office.
- Corporate name of school committee.** SEC. 9. This act shall be in force from and after its ratification. Ratified the 2d day of March, A. D. 1899.

## CHAPTER 363.

### An act to levy a special tax for Ashe county.

*The General Assembly of North Carolina do enact:*

- Commissioners authorized to levy special tax.** SECTION 1. That the commissioners of Ashe county are hereby authorized and empowered at their regular session in June, eighteen hundred and ninety-nine (1899) and nineteen hundred (1900) to levy a special tax upon the property and polls in said county

for the purpose of discharging and paying the general indebtedness of said county.

Purpose of special levy.

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 fifteen cents on the hundred dollars worth of property and forty-five cents on the poll, and the constitutional equation between the property and the poll shall always be observed in making such levies.

Maximum special tax.

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

How collected and accounted for.

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

Ratified the 2d day of March, A. D. 1899.

CHAPTER 364.

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

*The General Assembly of North Carolina do enact :*

SECTION 1. That the board of commissioners of Greene county be and they hereby are authorized to levy a special tax for the years eighteen hundred and ninety-nine and nineteen hundred, at the times of levying the general taxes for said county, which special tax shall be levied upon the taxable property and polls as other subjects of taxation in said county, and may amount to but shall not exceed the sum of three thousand (\$3,000) dollars, one-half of the same to be levied and collected in each of the said years, observing the equation prescribed in the constitution, and the said special tax is authorized and is to be levied and collected only for the purpose of paying off the indebtedness and constructing and repairing bridges and public buildings of said county.

Commissioners authorized to levy special tax.

Limitation to amount.

Purpose of said tax.

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

Ratified the 2d day of March, A. D. 1899.

CHAPTER 365.

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

*The General Assembly of North Carolina do enact :*

SECTION 1. That the board of county commissioners of Lincoln county, North Carolina, be and they are hereby authorized and empowered to levy a special tax not to exceed fifteen cents on the hundred dollars valuation of property and forty five cents on

Commissioners authorized to levy special tax.

Purpose of levy.	each poll annually for three years, viz: Eighteen hundred and ninety nine, nineteen hundred, and nineteen hundred and one, to be expended for the purpose of paying the indebtedness of said county.
When and how collected.	SEC. 2. That said special tax shall be levied and collected at the same time as other taxes in said county. SEC. 3 That this act shall be in force from and after its ratification. Ratified the 2d day of March, A. D. 1899.

## CHAPTER 366.

## An act to fix the time for holding courts of Robeson county.

*The General Assembly of North Carolina do enact :*

Terms of Robeson county superior court.	SECTION 1. That the terms of the superior courts for Robeson county shall be held as follows: On the third Monday before the first Monday in March, on the eighth Monday after the first Monday in March, on the third Monday after the first Monday in July, and on the fifth Monday after the first Monday in September, each term to continue for one week and to be for the trial of civil cases only.
Terms of circuit criminal court.	SEC. 2. That the terms of the circuit criminal courts for Robeson county shall be held on the third Monday in April and on the second Monday in November.
Conflicting laws repealed.	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 2d day of March, A. D. 1899.

## CHAPTER 367.

## An act to appoint justices of the peace for certain counties in North Carolina.

*The General Assembly of North Carolina do enact :*

Justices of the peace appointed for term of six years.	SECTION 1. That the following-named persons be and are hereby elected and appointed justices of the peace for their respective counties for a term of six years from April first, eighteen hundred and ninety-nine:
Washington county.	Washington county, Plymouth township—James F. Yeager, C. J. Norman, W. J. Jackson, F. R. Johnson, W. C. Hassell, Asa A. Harrison, G. W. Jackson, A. T. Gaylord, Warren Ambrose, J. E. Reed, Levi Blount, D. O. Brinkley.

Lee's Mills township—J. E. Singleton, R. M. Peacock, W. T. Spruill, S. B. Johnston, J. E. Blount, A. T. Knowles and W. S. Davenport.

Skinnerville township—H. M. Snell, E. R. Spruill, Henderson Clifton and J. W. Patrick.

Scuppernong township—Charles McGowan, Eli J. Spruill, G. H. Holmes, W. H. Hardison.

Granville county, Fishing Creek township—E. C. Harris, A. P. Overton, T. J. Brummitte, J. B. Elliott, J. P. Bratcher, J. R. Renn, Abner Newton, T. G. Taylor, W. A. Parham. Granville county.

Brassfields township—P. P. Cannady, Allen Davis, R. H. Whitfield, W. E. Cannady, J. P. Jenkins, T. C. Rodgers, W. H. Garner, W. A. Blackley, J. D. Davis, H. D. Mangum and J. B. Floyd.

Dutchville township—T. D. Akin, S. F. Bullock, M. L. Coley, B. E. Green, J. N. Tillery, Z. E. Lyon, M. B. Waller.

Tally Ho township—Millington Blalock, B. D. Howard, J. P. Cannady, P. T. Farrabow, R. V. Wade, J. R. Walters and W. D. Kimball.

Walnut Grove Township—R. W. Hobgood, W. C. Currie, G. S. Latta and B. B. Slaughter.

Oak Hill township—J. B. Elliott, W. S. Eakes, Lerry S. Elliott, J. W. Chandler, R. A. Lloyd, L. S. Royster, G. B. Royster and J. B. Wilkerson.

Sassafras Fork township—J. K. Ciement, W. B. Royster, R. T. Hicks, H. M. Tally, W. L. Taylor, Herbert Gregory, T. W. Stovall and S. J. Currie.

Salem township—D. N. Hunt, R. O. Smith, N. G. Crews, E. A. Hunt, E. W. Patterson, W. S. Hester, D. T. Cheatham.

Oxford township—A. C. Parham, W. T. Lyon, W. L. Rayland, E. T. Rawlins, S. V. Ellis, J. K. Wood, W. S. Burwell, J. L. Ferguson, John H. Meadows, H. H. Eatman and A. S. Hall.

Caswell county, Anderson township—J. R. Burton, S. F. Florence. Caswell county.

Dan River township—J. F. Walters, William Lea, R. M. Moore and C. B. Flintoff.

High Tower township—J. R. Smith, W. W. Murray.

Leasburg township—R. A. Pointer, S. Pink Newman.

Milton township—J. P. Poteat, J. B. Yarboro and C. H. Thacker.

Locust Hill township—Thomas D. Worsham and John A. Cobb.

Pelham township—A. K. Pinner and J. E. Travis.

Strong Creek township—W. M. Leath and P. M. Somera.

Yanceyville township—J. C. Pinnex, M. Oliver and G. T. Manley.

Vance county, Henderson township—P. T. Jones, J. B. Gary, Frank Worthans, N. H. Chavasse, J. A. Kelly, B. W. Brann, M. Dorsey, W. H. Hart, W. E. Gary, R. J. Corbett. Vance county.

Kitrell—G. W. Kitrell, Thomas H. Crudup, C. H. Williams, Robert J. Gill.

Dabney—J. C. Bobbitt, H. W. Crews, Boze Flemming, William Fuller, H. E. Crews.

Winboro—Walter Bullock, W. T. Hardy, Hy. T. Shanks, R. A. Bullock.

Townsville—Thomas Taylor, N. D. Boyd, N. D. Morton, J. M. B. Hunt.

Nutbush—C. M. White, W. W. White, Richard Wilson.

Middleburg—L. H. Lankford, W. H. Parish, Thomas V. Renland, J. K. Plummer.

Sandy Creek—R. H. Southland, D. H. Reavis, W. B. Daniel, B. P. Alston and C. O. Duke.

When said justices of the peace shall qualify.

SEC. 2. That the several justices of the peace hereby appointed shall qualify before the clerk of the superior court of their respective counties by taking the oath prescribed by law on or before the first day of June, eighteen hundred and ninety-nine, and shall furnish themselves with books without expense to the state except acts of eighteen hundred and ninety-nine.

Conflicting laws repealed.

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

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

Ratified the 2d day of March, A. D. 1899.

CHAPTER 368.

An act to establish a dispensary at Seaboard, in Northampton county.

*The General Assembly of North Carolina do enact:*

Sale of liquor, except as provided, unlawful.

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 Seaboard in Northampton county, state of North Carolina, except as hereinafter provided in this act.

Dispensary commissioners shall be appointed.

SEC. 2. That it shall be the duty of the commissioners of the town of Seaboard to appoint three persons, viz: -----, -----, 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 appointment the respective term of office of each dispensary commissioner,

each of whom shall continue in office until the appointment 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 appointment by the town commissioners 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 a 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 appoint a citizen and elector of Seaboard 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 Seaboard to provide a suitable place for the sale of spirituous, vinous, malt and other liquors within the corporate limits of the town of Seaboard (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 the 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 Seaboard. 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 in 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.

Term of office.

When town commissioners reject appointment.

Dispensary commissioners shall take oath.

Failure to elect commissioner whose term expired.

Place shall be provided for sale of liquors.

Appointment of manager.

Manager may be dismissed.

Salary of manager.

Stock and pay-  
ment of bills.

SEC. 4. The manager of the dispensary shall and at 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 Seaboard 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.

Rules and regu-  
lations.

SEC. 5. Said dispensary commissioners shall make from time to time rules and regulations for 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 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 regular licensed physician. The dispensary shall not be open before sunrise and shall be closed before sunset, and it shall be closed on Sunday, election days and such other days and under the same circumstances as make the sale of liquors unlawful under the laws of this state.

Quantity to be  
sold.

Persons to whom  
liquor shall not  
be sold.

Price of liquors

SEC. 6. The price at which spirituous, vinous or malt liquors shall be sold shall be fixed by the dispensary commissioners: *Pro- vided*, that the same shall not be sold for a profit exceeding eighty (80) per centum above the actual cost thereof.

Liquor shall not  
be sold except  
in sealed pack-  
ages.

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.

Manager shall  
make monthly  
report.

Chemical  
analysis shall be  
made of liquors.

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

For liquors con-  
demned payment  
shall be refused.

manager and payment for the same shall be refused to the persons from whom such liquors were purchased.

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 will be such an amount as will prevent a resale, and in case when said dispensary commissioners are satisfied that any person or persons are indirectly or directly purchasing repeatedly for the purpose of selling 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.

Sales shall not be made to persons to resell.

SEC. 10. The manager of the dispensary shall not allow any person or persons to loiter in or about the dispensary and premises in 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.

Loitering around dispensary shall not be permitted.

SEC. 11. The mayor and board of town commissioners of said town of Seaboard 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.

Ordinances may be passed to make this act effectual.

SEC. 13. The mayor and board of town commissioners may borrow a sufficient amount to establish the dispensary as provided for in this act, which amount shall be repaid 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 town treasurer out of the first profits thereafter realized from the dispensary. Should there be no funds in the town treasurer [treasury] said mayor and board of town commissioners are hereby authorized and empowered to borrow the money herein provided for.

Commissioners may borrow sufficient amount to establish dispensary.

Proviso.

Commissioners empowered to borrow money to sustain dispensary.

Dispensary commissioners shall make annual report.

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.

Certain amount shall be paid to schools.

SEC. 14. That the dispensary commissioners shall pay to the schools of the town of Seaboard two-thirds ( $\frac{2}{3}$ ) of the profits arising from the said dispensary, and the remaining one third ( $\frac{1}{3}$ ) profit shall be paid to the town. The town board shall have concurrent jurisdiction with school committee so far as the money arising from the dispensary.

Compensation for dispensary commissioners.

SEC. 15. The dispensary commissioners shall be paid for their services such sums as the board of town commissioners shall determine, which shall not be less than twenty-five dollars per annum.

Sale, exchange or barter of liquor within corporate limits a misdemeanor.

SEC. 16. That any person who shall sell, barter or exchange to another person within the limits of Seaboard township in Northampton 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) or more than two hundred dollars (\$200) and imprisonment in the county jail not less than thirty days (30) in the discretion of the court: *Provided*, that it shall not be unlawful for druggists to sell for medicinal purposes until the dispensary is established.

Sale of liquors prohibited after January 1st, 1900.

SEC. 17. That the prohibition of the sale of spirituous, vinous and malt liquors in Seaboard township in Northampton county shall be prohibited after the first day of January, nineteen hundred, during the existence and continuance of said dispensary in the town of Seaboard.

SEC. 18. This act shall be in force from and after its ratification. Ratified the 2d day of March, A. D. 1899.

#### CHAPTER 369.

An act supplemental to an act entitled "An act to prevent the sale of adulterated and misbranded food, and to make more effective the provisions of chapter one hundred and twenty-two, public laws of eighteen hundred and ninety-five."

Chapter 122, public laws of 1895, amended.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the act ratified February thirteenth, eighteen hundred and ninety-nine, entitled "An act to prevent the sale of adulterated and misbranded food and to make more effective the

provisions of chapter one hundred and twenty-two, public laws of eighteen hundred and ninety-five" be amended by striking out the word "infruity" in section six, sub-section five of said act and inserting in lieu thereof the word "inferiority"; by striking out after the word "animal" in section six, sub section eight of said act the words "or animals" and inserting in lieu thereof the words "or of an animal"; and by inserting before the word "laws" in section twelve of said act the word "public."

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

Ratified the 3d day of March, A. D. 1899.

CHAPTER 370.

An act to provide for the government of the "North Carolina College of Agriculture and Mechanic Arts."

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter three hundred and eight of the public laws of eighteen hundred and eighty-five, chapter four hundred and ten of the public laws of eighteen hundred and eighty-seven, chapter one hundred and six of the public laws of eighteen hundred and eighty-nine, chapter three hundred and forty-eight of the public laws of eighteen hundred and ninety-one, chapter eighty-five of the public laws of eighteen hundred and ninety-seven, and chapter three hundred and twenty eight of the public laws of eighteen hundred and ninety-seven, and all laws repealed and amended thereby be and the same are hereby repealed and amended in so far as they relate to and affect the Agricultural and Mechanical College so as to read as follows: That the North Carolina College of "Agriculture and Mechanic Arts" shall be known and designated by the name of the "North Carolina College of Agriculture and Mechanic Arts," and shall be a body politic and corporate with right to hold personal property and real estate for the benefit of said college.

Amendments.

N. C. College and M. Arts created. Body politic.

SEC. 2. The leading objects of this college shall be to teach the branches of learning relating to agricultural and mechanical arts and such other scientific and classical studies as the board of trustees may elect to have taught, and to promote the liberal and practical education of the industrial classes in the several pursuits and professions of life.

Leading objects of college.

SEC. 3. The management and control of the said college and the care and preservation of its property shall be vested in a board of trustees consisting of twenty-one persons, and in addi-

Management and control.

- tion thereto the president of the said college shall be an ex officio member of said board. The said board of twenty-one shall be elected as follows: One from each congressional district in the state, each of whom shall be a skilled and practical agriculturist, and twelve from the state at large, who shall be persons interested in agricultural, mechanical and industrial education. The trustees elected at this session of the general assembly shall hold office for two years and that there shall be elected at the next session of the general assembly seven trustees, who shall hold office for two years, seven trustees who shall hold office for four years and seven trustees who shall hold office for six years. And that at the present general assembly there shall be elected such a number of trustees as with the present members thereof shall make said board composed of twenty one persons.
- Board of trustees, how elected.**
- Term of office of trustees elected at this session of general assembly**
- Trustees shall appoint president and instructors.**
- State treasurer ex officio treasurer.**
- Certificate of proficiency.**
- Board of trustees shall own and hold certificates of indebtedness.**
- Agricultural and Experiment Control Station shall be connected with college.**
- Students admitted free of charge.**
- SEC. 4. It shall be the duty of the board of trustees to appoint the president and instructors of the said college and all other such officers and servants as to them may seem necessary, they shall have charge of the disbursement of its funds and shall have full supervision and control and shall be charged with the maintenance of the college. The state treasurer shall be ex officio treasurer of said board of trustees. The president and instructors, under the direction and supervision of the trustees, shall have power to confer such certificates of proficiency or marks of merit as may be deemed proper.
- SEC. 5. That the board of trustees shall own and hold the certificates of indebtedness amounting to one hundred and twenty-five thousand dollars (\$125,000) issued for the principal of the land script fund, and the interest thereon shall be paid to them by the state treasurer semi-annually on the first day of July and January in each year for the purpose of aiding in the support of said college in accordance with the act of congress approved July second, eighteen hundred and sixty two, entitled "An act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts"
- SEC. 6. The Agricultural Experiment and Control Station shall be connected with the said college and controlled by the board of trustees thereof. The said board of trustees shall have power to accept and receive on the part of the state property, personal, real or mixed and any donations from the United States congress to the several states and territories for the benefit of agricultural experiment stations or the agricultural and mechanical colleges in connection therewith, and they shall expend the amount so received in accordance with the acts of congress in relation thereto.
- SEC. 7. The board of trustees shall admit to the benefits of the said college free of any charge for tuition, upon proper evidence

of good moral character and of their inability and the inability of their parents or guardians to pay their tuitions and of their capacity to receive instruction, a certain number of youths, to be determined by them, not to be less than one hundred and twenty, and shall apportion the same to the different counties applying according to their relative number of members in the house of representatives of North Carolina. And it shall be the duty of the superintendent of instruction in each county on the days fixed by law for the examination of teachers of the public schools also to examine candidates for county students to the said college; blanks for such purpose to be furnished annually by the president of the college to the superintendents in each county.

Candidates for scholarships in said college shall be examined.

SEC. 8. The appropriations made or which may hereafter be made by congress for the benefit of colleges of agricultural and mechanical arts shall be divided between the white and colored institutions in this state in the ratio of the white population to the colored.

Appropriations by congress shall be divided between white and colored races.

SEC. 9. Any person who shall sell spirituous or intoxicating liquors within three-fourths of a mile of any of the buildings of said college shall be guilty of a misdemeanor.

Sale of spirituous liquors within  $\frac{3}{4}$  mile of college a misdemeanor.

SEC. 10. The board of trustees shall meet in the city of Raleigh on the second Monday in March, eighteen hundred and ninety-nine, and elect of their number a president and an executive committee of three, one of whom shall be the president of the board of trustees, and it shall be the duty of the executive committee to meet at the call of the president and perform such duties as may be assigned to them by the board of trustees. The board of trustees shall thereafter meet annually at such time as they may agree upon. The members of the board shall receive their mileage and hotel fare while attending upon the meetings of the board, but no members of the board of trustees except the executive committee shall be allowed their expenses for more than five meetings in any one year.

Election of officers by trustees.

shall meet annually.

Trustees shall receive mileage and hotel fare.

Ratified the 3d day of March. A. D. 1899.

## CHAPTER 371.

### An act to establish the western district criminal court.

*The General Assembly of North Carolina do enact :*

SECTION 1. That courts of record to be called the western criminal district court are hereby established for the following counties: Buncombe, Haywood, Burke, Surry, Yancey, McDowell, Henderson, Forsyth, Madison and Caldwell, to be held in the court-houses of the respective counties as the superior courts are held.

Counties composing western criminal district court.

Power and duties  
of said courts.

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

Exclusive  
original jurisdiction.

SEC. 3. That the said courts shall have exclusive original jurisdiction to enquire of, hear and try all crimes, misdemeanors and offenses committed in the counties of Buncombe, Madison, Haywood, Burke, Surry, Yancey, McDowell, Henderson, Forsyth and Caldwell respectively, fully and to the same extent as the superior courts of the state.

Shall have  
all jurisdiction  
vested in superior  
court to try  
crimes.

SEC. 4. That the said courts shall have all jurisdiction vested in the superior courts to try all crimes and offenses originating within the said counties of Buncombe, Madison, Haywood, Burke, Surry, Yancey, McDowell, Henderson, Forsyth and Caldwell respectively, and to give judgment and to award execution therein, and for the recovery of all fines and forfeitures and that the process pleading practice and mode of proceeding shall be the same in said courts as prevails in the superior courts of the state in such cases as aforesaid.

Appeals from  
said court shall  
be taken to  
superior court.

SEC. 5. That appeals from the said courts in said respective counties shall lie to the superior courts of said counties respectively only on matters of law or legal inference, and the statement of case on appeal in such case to said superior court shall be made and perfected in like manner and under the same rules and regulations as appeals from the superior courts of the state to the supreme court. That said appeal shall be heard by the judge of the superior court riding the district in not less than fifteen days from the date of said appeal. That said appeal shall be heard by the judge at chambers, and in case the judgment of the criminal court is affirmed the same shall be certified to the clerk of the criminal court and the sentence before made shall go into immediate effect as now provided by law in case the supreme court affirms the judgment of the court below. That in cases of the appeal to the judge of the superior court the solicitor of the criminal court shall appear and prosecute for the state, and if the decision of the lower court shall be affirmed shall be allowed five dollars for each offense in case of misdemeanors, ten dollars in case of felonies other than capital, and twenty dollars in case of capital felonies. That in all criminal appeals taken from courts of justices of the peace to the superior courts of the respective counties aforesaid, the solicitors to be appointed and elected under this act shall appear and prosecute for the state, and shall in case of conviction be entitled to the same fees as for convictions in the criminal courts of said counties. That appeals shall be from the superior court to the supreme court as now provided by

Solicitor of  
criminal court  
shall appear for  
state in case of  
appeal.

law for offenses originally tried in the superior courts and appealed to the supreme court.

SEC. 6. That there shall be one judge of the said western district criminal court, who shall preside over the said courts, who shall be elected by the qualified voters of the said counties of Buncombe, Madison, Haywood, Burke, Surry, Yancey, McDowell, Henderson, Forsyth and Caldwell as is provided for the election of the general assembly, and who shall receive for compensation for his services the sum of two thousand seven hundred and fifty dollars (\$2,750) per year, to be paid by the treasurer of the state of North Carolina out of the money not otherwise appropriated, and the said judge shall take the oath prescribed for judges of the superior court and shall hold his office for the term of four years unless removed from office as in the next section provided.

One judge shall be appointed for said court.

Compensation of judges.

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

Judge may be removed from office for cause.

Proviso.

Term of office of judge elected by legislature.

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

Powers and duties of judge.

SEC. 9. There shall be a solicitor for the said court in each of the said counties and they shall be appointed by the judge of said court and hold their offices until the next general election, when their successors shall be elected by the qualified voters of their respective counties. That the terms of office of said solicitors elected at said general election shall begin on the first Monday of January, nineteen hundred and one, and they shall have [hold] office for four years; each shall be a resident of the county from

Solicitor for said court in each county.

Term of office of solicitors.

which he is appointed or elected and shall receive the fees and compensation allowed by law to solicitors of the superior court: *Provided*, the solicitor of the superior court of the twelfth judicial district shall be the solicitor of this court in Haywood county. Should any vacancy occur by the death, resignation, refusal to accept or removal from office of the said solicitor or otherwise the judge shall have power to appoint a solicitor and the person so appointed by the judge of this court shall hold his office for the unexpired term of his predecessor and until his successor qualified. The duties of the solicitors shall be the same in respect of criminal matters arising in the said counties for which he is chosen as those prescribed by law for the solicitors of the several judicial districts of this state, and he shall take a similar oath of office and be removed for the same causes as the solicitors of the several districts of the state. The judge and solicitor when duly elected, appointed as herein provided, shall be commissioned by the governor in like manner as the judges and solicitors of the superior courts.

Compensation.  
Proviso.

Vacancies occurring.

Duties of solicitors.

Solicitor shall make certain examination.

Shall make report in writing.

Clerks of said court.

SEC. 10. Said solicitors so appointed and elected shall at least once in every four months make an examination of the office of the register of deeds and the superior court clerks in the presence of the respective officers, and the said register of deeds and the clerk of the superior court shall furnish every facility to enable the solicitors to make such examination for the purpose of ascertaining whether inventories, wills, deeds, bills of sale, official bonds, mortgages and all other papers required or allowed to be recorded or registered have been duly recorded and registered and properly indexed, and all also whether the several dockets and records of papers of the different courts including justices of the peace have been kept and filed in proper manner and as required by law. That the aforesaid solicitors shall make a faithful report in writing of the several matters hereby directed to be examined, specially stating in what respect if any there have been an omission of the officers aforesaid, and the said report shall be made to the aforesaid criminal courts at the next term thereof [which] shall be held subsequent to such examinations: and when it shall appear from such reports that there has been an omission on the part of said officers the said solicitors shall cause an indictment to be preferred for such reported breach of duty, and on conviction the defendant shall be fined or imprisoned or removed from office at the discretion of the court: *Provided, however*, that this indictment shall not exempt any of said officers for [from] being indicted for other breaches of duty as prescribed by law.

SEC. 11. That the clerks of said court for counties of Buncombe, Madison and Forsyth shall be appointed by the judge of the said court and shall hold their office until the next general election

and until their successors shall be qualified: that their successors shall be elected at the next general election by the people of their respective counties in the manner provided for the election of members of the general assembly, and shall enter at once into office: that the clerks of the superior courts of Haywood, McDowell, Burke, Henderson, Surry, Yancey and Caldwell counties shall be the clerks of their courts in their respective counties.

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

Sheriffs.

SEC. 13. That it shall be the duty of the board of county commissioners of each of the said counties to provide for the payment of fees of the solicitors and the fees and compensation of the clerk and the sheriff of said courts respectively, and the pay of jurors and witnesses as is now provided by law, and all other expenses incident to said courts by order on the county treasurer of said respective counties.

Commissioners shall provide for payment of fees of clerk, solicitor, etc.

SEC. 14. That the commissioners of each of the said counties shall provide the necessary books to be used as dockets and records of said courts.

Commissioners shall provide necessary books.

SEC. 15. That there shall be four terms of said criminal court for Buncombe county in each year held in the court-house in Buncombe county on the third Monday in January, the fourth Monday in April and the fourth Monday in July and on the fourth Monday in October of two weeks each, and there shall be three terms of said criminal court for the other counties of said district in each year held in the court-house in said counties at such times as the said judge of said court shall determine so as not [to] conflict with the superior courts, and to be called in the manner hereinafter provided for the calling of special terms of this court, and all of said terms of said courts shall continue for two weeks unless the business shall be sooner disposed of; and said courts shall have power to hold special terms of said court whenever it shall seem necessary to him to order the same, of which order twenty-five (25) days of public notice shall be given in the manner to be prescribed by the judge, and at such special terms he may make all orders and do anything and everything which he can do at the regular; and when such special terms shall be so ordered all processes and precepts returnable to the next regular term shall be deemed returnable to such special term, and all recognizances, bonds, obligations and summons taken for the appearance of persons and witnesses to said regular

Number of terms to be held.

Special terms may be held.

term shall be binding upon said parties for their appearance to such special terms as aforesaid.

In cases of change of venire.

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

May be transferred to superior court.

When judge fails to attend and open court.

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

Jurors, when and how drawn.

SEC. 18. That so much of section one thousand seven hundred and twenty seven of The Code of North Carolina as requires the county commissioners to draw thirty-six jurors to serve during the first week of the terms of the superior courts of said county and also to draw eighteen jurors to serve during the second week of the terms of the superior court shall not apply to the commissioners of Buncombe, Madison, Haywood, Henderson, Burke, Surry, Yancey, McDowell, Forsyth and Caldwell counties, and from and after the ratification of this act the county commissioners of each of said counties shall proceed at least twenty days before the regular terms of the superior courts of the said counties to draw the names of not less than twelve or more than twenty-four (24) jurors in the manner now prescribed by law for each week of the term of said superior courts, who shall be summoned to appear to serve as jurors during the week for which they were selected; and it shall be the duty of the county commissioners of each of said counties at least twenty days before the regular terms of said criminal courts or ten days before any special terms of said criminal court to draw the names of thirty-six (36) jurors under the same rules and regulations as are now required by law to serve as grand and petit jurors at the next term of said court;

Names of thirty-six jurors shall be drawn.

and at the said term of court there shall be drawn by a boy ten years of age or under fifteen eighteen jurors from said number of thirty six jurors drawn as aforesaid, who shall constitute a grand jury for said court, twelve of whom shall be necessary to agree before a bill of indictment shall be returned as true, and upon the failure of the commissioners of the said counties to draw the jurors as hereinbefore provided said jurors shall be drawn by the sheriff and the chairman of the board of county commissioners in the manner prescribed in this section and by existing laws in regard to jurors of the superior court not inconsistent herewith. The qualifications of jurors in these courts shall be the same as prescribed by law for the jurors in the superior courts.

When commis-  
sioners fail to  
draw jurors.

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

Compensation of  
jurors.

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

When there is a  
deficiency of  
jurors bystanders  
may be sum-  
moned.

SEC. 21. That as to Forsyth county this act shall go into effect on and after July first, eighteen hundred and ninety-nine.

When effective  
as to Forsyth  
county.

SEC. 22. That all criminal causes, indictments and proceedings by sciri-faci as or otherwise against defendants or witnesses and their sureties now pending in the circuit courts of the counties of Buncombe, Madison, Haywood, Henderson, McDowell or the superior courts of any of the counties comprising said western criminal district court shall be and are hereby transferred and removed to the western criminal district court created by this act.

Pending cases  
transferred.

SEC. 23. That this act shall be enforced from and after its ratification.

Ratified the 31 day of March, A. D. 1899.

## CHAPTER 372.

An act to amend chapter one hundred and fifty-one of the public laws of eighteen hundred and ninety-seven, concerning the election of cotton weighers for the city of Raleigh.

*The General Assembly of North Carolina do enact :*

Section 1, chapter 150, public laws of 1897, repealed.

Commissioners shall appoint four cotton weighers.

Term of office.

By whom nominated.

Liability of weigher and bondsmen.

Section 2 of said chapter repealed.

Bond of cotton weigher.

Bond filed with register.

Section 9 of said chapter repealed.

SECTION 1. That section one of chapter one hundred and fifty-one of the public laws of eighteen hundred and ninety seven be and the same is hereby repealed and stricken out and the following substituted therefor: That the board of county commissioners of Wake county shall appoint at their meeting in April, eighteen hundred and ninety-nine, and at their meetings in April of each succeeding year thereafter, four 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, and who shall hold their offices for one year from the date of their appointment and until their successors are duly appointed and qualified. Two of said persons so to be appointed shall be appointed only upon the nomination of the Cotton and Grocers' Exchange of Raleigh, North Carolina, a corporation under the laws of this state, such nominations to be certified to said board of county commissioners by the secretary of said corporation. Each cotton weigher and the sureties on his bond shall be liable for the acts of such deputies as he shall appoint.

SEC. 2. That section two of said chapter one hundred and fifty-one of the public laws of eighteen hundred and ninety seven be and the same is hereby repealed and stricken out and the following is substituted therefor: That each cotton weigher appointed as provided in section one of this act shall give bond in the sum of five hundred dollars, payable to the state of North Carolina, conditioned for the faithful performance and discharge of the duties of such cotton weigher; said bond shall be given and approved in the same manner as is now required by law in the giving and approval of bonds by county officers and said board of county commissioners shall have all the power concerning the bonds of said cotton weighers as said board has over the bonds of county officers. Said bonds shall be filed with the register of deeds and be recorded by him, and actions may be brought and prosecuted on said bonds in the name of the state on the relation of any person injured by the neglect or misconduct of the principal therein or any deputy by him appointed.

SEC. 3. That section nine of said chapter one hundred and fifty-one of the public laws of eighteen hundred and ninety-seven be and the same is hereby repealed.

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

Ratified the 3d day of March, A. D. 1899.

## CHAPTER 373.

## An act to establish a bureau of labor and printing.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and thirteen of the laws of eighteen hundred and eighty-seven be and the same is hereby repealed. Chapter 113, laws of 1887, repealed.

SEC. 2. That a bureau of labor and printing is hereby created and established, the duties of which bureau shall be exercised and discharged by a commissioner, who shall be designated as "commissioner of labor and printing" and by an assistant, who shall be a practical printer. The said commissioner shall be elected by the joint ballot of the members of the senate and house of representatives of the general assembly of North Carolina. Bureau of labor and printing established.

The term of office of said commissioner shall begin on the fifteenth day of March next after his election, and he shall hold his office until January, nineteen hundred and one, when other state officers are qualified. At the next general election the commissioners of labor and printing shall be elected for a term of four years by the people in the same manner as is provided for the election of secretary of state. The office of said bureau shall be kept in the city of Raleigh and the same shall be provided for as other public officers [offices] by the state. Assistant.  
How elected.  
Term of office.

SEC. 3. That said commissioners shall receive a salary of one thousand five hundred dollars per annum, payable monthly; and said assistant commissioner shall receive a salary of nine hundred dollars per annum, payable monthly, and they shall also receive their actual travelling expenses while travelling for the purpose of collecting the information and statistics provided for in this act. Shall be elected at next general election for four years.

And said assistant commissioner shall perform the duties of the said commissioner in his absence from office or in case of a vacancy therein. Salary.

SEC. 4. That said commissioner aided by said assistant commissioner shall collect and collate information and statistics concerning labor and its relation to capital, the hours of labor, the earnings of laborers and their educational, moral and financial condition, and the best means of promoting their mental and moral and material welfare; shall also collect [and] collate information and statistics concerning the various mining, milling and manufacturing industries in this state, their location, capacity and actual output of manufactured products, the kind and quantity of raw material annually used by them and the capital invested therein; shall also collect and collate information and statistics concerning the location, estimated and actual horsepower and condition of valuable water powers developed and undeveloped in this state: also concerning farm lands and farming, the kinds, char- Duties of commissioner and assistant.

acter and quantity of the annual farm products in this state; also of timber lands and timbers, truck gardening, dairying and such other information and statistics concerning the agricultural, industrial welfare of the citizens of this state as he may deem to be of interest and benefit to the public, and shall all [also] perform the duties prescribed in chapter fifteen, public laws of eighteen hundred and ninety seven.

Shall examine all printing done for state.

SEC. 5. That said commissioner, aided by said assistant commissioner, shall carefully examine all printing and binding done for the state, or any department thereof by the public printer, and shall certify that the workmanship of said printing and binding is properly executed and that the accounts rendered by the public printer for the same are accurate and just before the auditor shall issue any warrant for the payment thereof.

Shall publish annual report.

SEC. 6. The said commissioner shall annually publish a report embodying therein such information and statistics as he may deem expedient and proper, which report shall be printed and paid for by the state just as the report of other public officers are printed and paid for, the number of copies of said report to be printed to be designated by said commissioner; the distribution of the reports will be paid for from the general fund and not from the appropriation; said commissioner shall send or cause to be sent a copy of said report to every newspaper in this state and a copy to each member of the general assembly, a copy to each of the several state and county officers, a copy to each labor organization in the state and a copy to any citizen who may apply for the same either in person or by mail, and he may also send a copy to such officers of other states and territories and to such corporations or individuals in other states and territories as may apply for the same or as he may think proper. He shall also make a full report to the governor as other state officers are required to do, embodying therein such recommendation as he may deem calculated to promote the efficiency of his department.

Distribution of reports.

Shall make a report to governor.

Annual appropriation.

SEC. 7. That for carrying out the provisions of this act the sum of three thousand five hundred dollars (\$3,500) annually is hereby appropriated to be paid by the state treasurer out of any funds not otherwise specifically appropriated, and said commissioner when money is required for the use of his said department shall certify to the state auditor the amount required, and the auditor shall thereupon draw his warrant upon the treasurer for the same.

Commissioner shall certify to auditor amount of money required.

Conflicting laws repealed.

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

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

Ratified the 3d day of March, A. D. 1899.

## CHAPTER 374.

## An act to abolish the county board of education.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the county board of education provided for in the school law of North Carolina is hereby abolished.

County boards of education abolished.

SEC. 2. That section six (6), chapter one hundred and eight, public laws of eighteen hundred and ninety-seven, be and the same is hereby repealed.

Section 6, chapter 108, public laws of 1897, repealed.

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

Conflicting laws repealed.

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

Ratified the 4th day of March, A. D. 1899.

## CHAPTER 375.

An act relating to the public roads in Lexington township and other townships in Davidson county, and extending certain provisions of the Mecklenburg road law to said townships.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the provisions of chapter one hundred and thirty four, laws of eighteen hundred and eighty-five, entitled "An act relating to roads and highways" shall apply to and be in force in Lexington township, Davidson county, except sections one, seventeen, eighteen, nineteen, twenty-four and thirty three of said chapter, and the same is a part of this act as fully as if the remaining sections thereof were incorporated and inserted herein.

Certain portions of chapter 134, laws of 1885, applicable to Lexington township, Davidson county.

SEC. 2. That for the purpose of carrying out the provisions of this act the county commissioners of Davidson county shall on or before their regular meeting in May, eighteen hundred and ninety nine, elect five freeholders, electors in Lexington township, whose term of office shall be two years, and who shall have the supervision and control of the public roads in the township, and they shall constitute and they are hereby incorporated as "The Board of Trustees" of Lexington township. They shall have the right to sue and be sued, plead and be impleaded in any of the courts of this state. The board of township trustees with the consent of the county commissioners as set forth in this act shall have full power and authority within their township to appoint

Commissioners shall elect five freeholders to have supervision of roads.

Corporate name.

Powers of said board of trustees.

and settle ferries and to order the laying out of public roads, when necessary, to designate where bridges shall be built, to discontinue such roads and ferries as shall be found useless, and to change the running of roads so as to make them more useful.

Commissioners authorized to levy special road tax.  
Maximum tax.

SEC. 3. That the board of county commissioners shall and they are hereby authorized to levy annually at the June session of their board for road purposes a tax of not more than twenty cents on the one hundred dollars worth of property as listed for state and county tax and not more than sixty cents on each poll in the township, and the same shall be placed on the tax list of the current year, made out upon separate receipts and collected by the sheriff as other taxes and paid out as herein provided.

Money arising from this tax a separate and special fund.

SEC. 4. That the money arising from the tax herein provided in the township shall be paid by the sheriff of the county when he shall have collected the same to the treasurer of the county, who shall hold it as a separate and distinct fund for the use of such township, to be paid out by him as hereinafter provided, and he shall account to the board of trustees of the township for the same from time to time as for other county funds, and he shall make an annual settlement with said board of trustees, who shall adopt proper regulations as to vouchers for money paid out of this fund.

Annual settlement with trustees.

SEC. 5. That the board of trustees of the township shall have control of the township funds in the hands of the county treasurer, and may draw upon said funds by proper vouchers for the discharge of all necessary expenditures for road purposes in the township, but the said trustees shall not draw upon the county treasurer for any sum in excess of the funds in his hands to the credit of such township.

Trustees shall have control of township funds.

Trustees may employ free labor for working roads.

SEC. 6. That the said board of trustees shall from time to time direct the supervisor or supervisors in their township, as they see proper and as the township funds will permit, to employ hired free labor in laying out, constructing, improving and repairing the public roads in his or their respective districts. The said trustees may and they are hereby authorized to purchase working tools and implements and such stock as is necessary for the proper and effective use of such machinery and tools on the public roads of the township, and may arrange for the proper feeding and taking care of same, to be paid for out of any money in the township treasury not otherwise appropriated.

Trustees authorized to purchase necessary tools.

Compensation of supervisor.

SEC. 7. That the board of trustees may in their discretion create one or more road districts in the township, and contract with the supervisor or supervisors for his compensation, not exceeding one dollar and fifty cents per day for his time actually employed; and the said supervisor or supervisors shall give bond to be approved by the board of trustees, payable to them in such

Supervisor shall give bond.

sum as they shall fix, conditional for the faithful performance of his duties and for the faithful accounting for all moneys and property that shall come into his hands.

SEC. 8. Any person charged with a road tax may discharge the same by labor on the public roads within the district where the same is charged within the time designated in this act, at the rate of seventy-five cents per day, and a proper allowance per day for any team or implements and for material furnished by any person under the direction of and by contract with the supervisor of such district, who shall therefor 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, and the county treasurer shall receive such certificates and account for them as money.

Persons charged with road tax may discharge same by labor.

Rate of compensation.

Certificates to be received by sheriff for road tax.

SEC. 9. That the board of county commissioners of Davidson county shall establish a chain gang and employ a superintendent thereof, and the necessary guards for working and caring for the convicts worked under and by authority of law. Said board may prescribe their duties and may discharge them at any time for cause. The board of trustees of Lexington township shall maintain such chain gang, paying all the actual costs of feeding, clothing, guarding and housing and keeping said chain gang out of the township funds, and they shall work said convicts upon the public roads of said township in accordance with the provisions of this act.

Commissioners authorized to establish a chain gang.

SEC. 10. That the superintendent of the chain gang shall work the convicts in his charge when, as directed and subject to the orders of the road supervisor in whose district he may be sent by the board of trustees of the township. The said board of trustees may at any time suspend the superintendent of the chain gang or any of the guards thereof for just cause and report the same with charges to the board of county commissioners, and the person so suspended shall receive no pay for the time he is so suspended. The superintendent may temporarily supply the place of any guard so suspended, and if the superintendent is suspended the board of trustees shall temporarily supply his place at the same salary.

Superintendent shall work convicts as directed.

Superintendent may supply place of guards.

SEC. 11. That the justice of the peace and mayors of towns in said county may in cases and for offenses of which they have jurisdiction in their courts, sentence such convicted person to work on the public roads in Lexington township for such term of imprisonment as they may under the law adjudge; and such convicted person shall work on said roads as provided until he

Persons failing to pay fine may be sent to roads.

be discharged according to law. Any judge holding court in the county of Davidson may sentence all persons who may be convicted therein of criminal offenses for which they might be sentenced to the county jail, county roads or to the penitentiary for a period not exceeding ten years to the public roads of Lexington township in said county. And any superior court judge or judge of a criminal court holding court in any county in the state in which county there is no established chain gang, may sentence convicted persons who are subject thereto to work on said public roads in Lexington township, Davidson county: *Provided, however,* that the board of county commissioners of Davidson county shall first make application to said courts and judges thereof to sentence such convicted persons to work on said roads.

Superior court judges may sentence convicts to road.

Proviso.

Commissioners shall first make application.

Convicts and day laborers shall not be worked together. Elections may be had in other townships on petition.

SEC. 12. That convicts and laborers other than convicts shall not be required or allowed to work together.

SEC. 13. That if one-fourth of the qualified voters of any township in Davidson county other than Lexington township shall petition in writing the county commissioners so to do, they shall order an election to be held in such township within ninety days from the receipt of such petition, in the same manner and under the same rules and regulations as in elections for members of the general assembly. At said election all duly qualified electors voting for the provisions of this act to apply to such township shall vote a ticket upon which shall be written or printed without device the words "For roads," and those opposed thereto shall vote a ticket on which shall be written or printed without device the words "Against roads." If a majority of the votes cast at such an election shall be "For roads" then the provisions of this act shall apply to and be in force in said township as fully and to the same extent as if said township had been named in and made part of this act. If a majority of the votes cast shall be "Against roads" then the provisions of this act or any part thereof shall not apply to such township.

Form of ballot.

Appointment of trustees by commissioners for township.

SEC. 14. If any township in Davidson county shall by a majority vote at such an election adopt the provisions of this act the board of county commissioners shall at their next regular meeting elect five freeholders, electors of such township, who shall constitute the board of trustees of said township, and all the provisions of this act shall apply to such township as fully as if it had been named herein and as effectually as this act applies to Lexington township.

Trustees may contract with commissioners for convict labor.

SEC. 15. That the board of trustees of any township voting for the road law as prescribed herein may contract with the county commissioners for such convict labor as they may be able to furnish when such convicts are not used or wanted by the trustees of Lexington township, and the said commissioners may at their

discretion establish in such townships a chain gang or convict camp under such rules and regulations as they may deem proper and in accordance with the provisions of this act, and the general law and the board of trustees of said township shall pay all the expenses of the same out of the township funds.

SEC. 16. That all jail fees and costs of medical attendance incurred in connection with any convict from any of the courts of Davidson county shall be paid by the county commissioners out of any funds of the county not otherwise appropriated.

Jail fees and other costs connected with convicts paid by commissioners.

SEC. 17. That nothing in this act shall be construed to take the power from the county commissioners to exempt anyone from disability to work on the public roads; and all general laws in respect to public roads so far as applicable shall be construed in aid of this act but not in derogation thereof.

County commissioners may exempt persons from road duty.

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

Ratified the 4th day of March, A. D. 1899.

#### CHAPTER 376.

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

*The General Assembly of North Carolina do enact :*

SECTION 1. That the board of county commissioners of Pitt county be and they are hereby authorized and empowered to borrow a sum of money, not exceeding ten thousand dollars, with which to liquidate the present indebtedness, to supply the deficiency in the revenues and to meet the current expenses of the county.

Commissioners of Pitt county authorized to borrow money. Maximum amount.

SEC. 2. That said board be and they are hereby authorized and empowered to levy a special tax on the real and personal property of the county and on the poll for the years of eighteen hundred and ninety-nine and nineteen hundred, not to exceed sixteen and two-thirds cents on the one hundred dollars worth of property and fifty cents on the poll each year to repay said loan and to meet the current expenses of the county.

Authorized to levy special tax.

Limitation to special tax levy.

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

Ratified the 4th day of March, A. D. 1899.

## CHAPTER 377.

An act to repeal chapter eighty-five, laws of eighteen hundred and ninety-seven, and to re-form the department of agriculture, immigration and statistics.

*The General Assembly of North Carolina do enact :*

Chapter 85, public laws of 1897, repealed.

SECTION 1. That chapter (85), eighty five of the public laws of eighteen hundred and ninety-seven (1897) and all other laws inconsistent with this act be and the same are hereby repealed.

Board of agriculture, how constituted.

SEC. 2. The department of agriculture, immigration and statistics shall be under the control and supervision of a board to be styled the board of agriculture, constituted as follows, to-wit: The persons denominated commissioners in chapter eighty-five of the laws of eighteen hundred and ninety seven, who shall retain their places until the expiration of the terms for which they were respectively elected, and one member from each congressional district to be elected by this general assembly. This general assembly shall also elect for a term of two years five members to succeed the five heretofore denominated commissioners, whose terms are to expire March ninth, eighteen hundred and ninety-nine. No successors are to be elected to the nine persons denominated commissioners whose terms are to expire in nineteen hundred and one and nineteen hundred and three, nor to the five to be elected for two years to succeed the five persons denominated commissioners whose terms are to expire March ninth, eighteen hundred and ninety-nine, as aforesaid, the intention of this act being to gradually reduce the number of the board to nine members. All vacancies occurring in the board shall be filled by the board until the next regular session of the general assembly and until their successors are elected and qualified: *Provided*, that the unexpired terms of the said commissioners holding over as aforesaid shall not be filled in case of vacancies therein. The members elected by the general assembly from the first, fourth and seventh districts shall be elected for a term of two years and their successors for a term of six years: the members from the second, fifth and eighth districts for a term of four years and their successors for a term of six years; and the members from the third, sixth and ninth districts for a term of six years.

Vacancies occurring in board.

Term of office.

When first meeting held.

SEC. 3. The board shall meet for the transaction of business in the city of Raleigh on the ninth day of March, eighteen hundred and ninety-nine, and thereafter twice a year and oftener if they deem it necessary, one of which meetings shall be on the first Wednesday in December, and shall publish a monthly report of the operations of the department, and shall make to each gen-

Monthly report shall be published.

eral assembly a full report of its general action and conduct. They shall receive no compensation except four dollars per day to each member of the board for the days, not exceeding sixteen in one year, during which he attends the sessions of the board; and also for each meeting of the board he attends five cents a mile for the distance to and from Raleigh by the usual direct route. That it shall be the duty of the said board on the ninth day of March of the year . . . . . to proceed to reorganize the said department in the interest of the taxpayer of the state to the extent allowed by law.

Compensation.

Reorganization of department.

SEC. 4. The general assembly shall elect at the present session a commissioner of agriculture, who shall be a practical farmer, whose term shall begin June fifteenth, eighteen hundred and ninety-nine, and who shall hold his office until after the general election of nineteen hundred and his successor is elected and qualified. At the general election of nineteen hundred the commissioner of agriculture shall be elected by the qualified voters of the state for a term of four years, and every four years thereafter the said commissioner shall be voted for on the same ballot with other state officers and the returns of his election shall be returned and canvassed in the same manner. Any vacancy occurring in the office of commissioner of agriculture shall be filled by the board of agriculture.

Election of commissioner of agriculture.  
Term of office.

SEC. 5. The board shall elect a secretary and prescribe the duties and regulate the pay of the commissioner and the said secretary and provide for the appointment of such employees as may be found necessary to carry out the provisions of this act. That it shall be the duty of the said board to investigate and report upon the possibility of reclaiming the lowlands of the Roanoke river, giving in detail the probable cost thereof and the most practical method of accomplishing such work.

Election of secretary.

SEC. 6. The board shall be empowered to hold in trust and exercise control over donations or bequests made to them for promoting the interests or purposes of this act.

Board empowered to hold in trust donations, etc.

SEC. 7. The board shall investigate and promote such subjects relating to the improvement of agriculture, the beneficial use of commercial fertilizers and composts, and for the inducement of immigration and capital as they may think proper, but they are especially charged:

Certain subjects to be promoted and investigated.

(1) With such supervision of the trade in commercial fertilizers as will best protect the interests of the farmer and shall report to solicitors and to the general assembly information as to the existence or formation of trusts or combinations in fertilizers or fertilizing materials which are or may be offered for sale in this state whereby the interests of the farmer may [be] injuriously affected,

In relation to fertilizers.

and shall publish such information in the bulletin of the department.

Milch and beef cattle.

(2) With investigations adapted to promote the improvement of milch and beef cattle and especially investigations relating to the diseases of cattle and other domestic animals, and shall publish and distribute from time to time information relative to any contagious diseases of stock and suggest remedies therefor, and shall have power in such cases to quarantine infected animals, to regulate the transportation of stock in this state or from one section of it to another: and may cooperate with the United States department of agriculture in establishing and maintaining cattle districts or for quarantine lines to prevent the infection of cattle from splenic or Spanish fever. Any person willfully violating such regulations shall be guilty of a misdemeanor.

Ravages of insects.

(3) With investigations relative to the ravages of insects and with the dissemination of such information as may be deemed essential for their abatement.

Fostering of agricultural industries.

(4) With investigations and experiments directed to the introduction and fostering of new agricultural industries adapted to the various climates and soils of the state, especially the culture of truck market gardens, the grape and other fruits.

Drainage and irrigation.

(5) With the investigation of the subject of drainage and irrigation and shall publish information as to the best methods of both, and what surfaces, soils and locations may be most benefited by such improvements; also with the collection and publication of information in regard to localities, character, accessibility, cost and modes of utilization of native mineral and domestic sources of fertilizers, including formulæ for composting adapted to different crops, soils and materials.

Collection of statistics.

(6) With the collection of statistics relating to the subject of farm fences, with suggestions for diminishing their costs and the conditions under which they may be dispensed with altogether.

Fish.

(7) With the supervision of all measures for the propagation and culture of fish in the rivers and inland waters of the state, and to this end may avail themselves of such aid as the fish commissioner of the United States may be induced to extend, and shall offer such encouragement as may be within their power to induce said commission to establish within the state one of its fish hatcheries and secure the liberation within the waters of the state of the spawn or fry of such fishes as are best suited to our inland streams; they may inquire into the practicability of construction of fish ways over the dams and other obstructions of the waters of the state and secure as far as possible the cooperation of mill owners; and with the enforcement of the provisions of sections three thousand four hundred and ten, three thousand four hundred and eleven and three thousand four hundred and

twelve of chapter forty three, volume two of The Code and act, amendatory thereof in reference to the free passage of fish through certain waterways in the state.

(8) With the enforcement and supervision of the laws and regulations which are or may be enacted in this state for the sale of commercial fertilizers, seeds and food products.

Commercial fertilizers, seeds and food products.

(9) With the inducement of capital and immigration by the dissemination of information relative to the advantages of soil and climate and to the natural resources and industrial opportunities offered in the state; by the keeping of a land registry and the publication of descriptions of agricultural, mineral, forest and trucking lands which may be offered the department for sale, such publications to be in tabulated form, setting forth the county, township, number of acres, name and address of owner and such other information as may be needful in placing inquiring home seekers in communication with land owners; and they shall publish a list of all such inquires in the bulletin for the benefit of all those who may have land for sale.

Dissemination of information relative to soil, etc.

(10) With such investigations as will best promote the improvement and extension of diversified farming, including the rotation of crops, the raising of home supplies, vegetables, fruits, stock, grasses, etc.

Diversified farming.

(11) With the holding of farmers' institutes in the several counties of the state as frequently as may be deemed advisable in order to instruct the people in improved methods in farming, in the beneficial use of fertilizers and composts and to ascertain the wants and necessities of the various farming communities; and they may collect the papers and addresses made at these institutes and publish the same in pamphlet form annually for distribution among the farmers of the state. They may designate professors of the Agricultural and Mechanical College, the director of the Experiment Stations and other persons to hold these institutes.

Holding of farmers' institutes.

May designate certain instructors.

(12) They shall publish a monthly bulletin, which shall not contain any advertisements or other matter which would injuriously affect the newspapers of the state, but shall contain reports of analysis of fertilizers, reports of work and experiments of the Experiment Station, which shall be furnished by the director of the station, the dates of meeting and reports of farmers' institutes and similar societies, descriptions of farm buildings suited to our climate and needs, reports of experiments and experiences of farmers, and upon such other matters as may be deemed advisable. They shall transmit to the general assembly at each session a report of the operations of said department, together with suggestions of such legislation as may be needful.

Shall establish monthly bulletin.

(13) They shall keep a museum or collection to illustrate the Museum.

agricultural and other resources and the natural history of the state.

Charges on fertilizers to defray expenses.

SEC. 8. For the purpose of defraying the expenses connected with the inspection of fertilizers and fertilizing materials in this state there shall be a charge of twenty-five cents until June fifteenth, eighteen hundred and ninety-nine, and twenty cents thereafter per ton on such fertilizers and fertilizing material for each fiscal year ending November thirtieth, which shall be paid before delivering to agents, dealers or consumers in this state: *And provided*, the board of agriculture may reduce the tax per ton as above described to fifteen cents when in their judgment it becomes expedient: *Provided further*, the board shall have discretion to exempt certain natural material as may be deemed expedient. Each bag, barrel or other package or [of] such fertilizers or fertilizing materials shall have attached thereto a tag, stating that all charges specified in this section have been paid; and the state board of agriculture is hereby empowered to prescribe a form for such tags and to adopt such regulations as will enable them to enforce this law. Any person, corporation or company who shall violate this chapter or who shall sell or offer for sale any such fertilizers or fertilizing material contrary to the provisions above set forth shall be guilty of a misdemeanor, and all fertilizers and fertilizing material so sold or offered for sale shall be subject to seizure and condemnation in the same manner as is provided in this chapter for the seizure and condemnation of spurious fertilizers, subject, however, to the discretion of the board of agriculture to release the fertilizers so seized and condemned upon the payment of the charge above specified and all cost and expenses incurred by the department in such proceedings.

Forms for tags.

Persons selling fertilizers contrary to this act guilty of misdemeanor

Fertilizers shall be stamped on bag or barrel.

SEC. 9. Every bag, barrel or other package of such fertilizers or fertilizing material as above designated offered for sale in this state shall have thereon plainly printed a label or stamp, a copy of which shall be filed with the commissioner of agriculture, together with a true and faithful sample of the fertilizers or fertilizing material which it is proposed to sell at or before the delivery to agent, dealers or consumers in this state, and which shall be uniformly used and shall not be changed during the fiscal year for which tags are issued; the said commissioner shall keep an alphabetical list of names of brands or trademarks, and shall prevent the duplication thereof; and the said label or stamp shall truly set forth the name, location and trademark of the manufacturer, also the chemical composition of the contents of such package and the real percentage of any of the following ingredients asserted to be present, to wit: Soluble and precipitated phosphoric acid, which shall not be less than eight per centum;

List of brands shall be kept.

Ingredients used.

soluble potassa, which shall not be less than one per centum; ammonia, which shall not be less than two per centum or its equivalent in nitrogen, together with the date of its analysis, and that the requirements of the law have been complied with; and any such fertilizer as shall be ascertained by analysis not to contain the ingredients and percentage set forth as above provided shall be liable to seizure and condemnation as hereinafter prescribed, and when condemned shall be sold by the board of agriculture for the exclusive use and benefit of the department of agriculture.

SEC. 10. The proceedings to condemn the same shall be by civil action in the superior court of the county where the fertilizer is on sale and in the name of the board of agriculture, who shall not be required to give bond for the prosecution of said action. And at the time of or before the summons is issued the said board shall by its agent make affidavit before the clerk of said court of these facts:

Proceedings to  
condemn fer-  
tilizers.

Board shall make  
affidavit of cer-  
tain facts.

(1) That charges have been paid as hereinbefore provided and the lawful tags attached.

(2) That the sample of the same filed with the commissioner of agriculture has been analyzed under authority of the board and found to correspond with the label attached to the same.

(3) That the defendant in the summons has in his possession and on sale fertilizers of the same name and brand and bearing a label or stamp representing the analysis made.

(4) That the fertilizers on hand and on sale are spurious and do not in fact contain the ingredients or in the proportion represented by the stamp or label on them. Whereupon the clerk shall issue his order to the sheriff of the county to seize and hold all the fertilizers in the possession of the defendant labelled or stamped as the affidavit described. And the sheriff shall seize and hold the fertilizers so seized until ordered to be surrendered by the judge unless the defendant shall give bond, with justified surety in double the value of the fertilizers seized, to answer the judgment of the court, in which case he shall surrender the fertilizers to the defendant for withdrawal from sale in the state and file this bond in the office of the clerk of the superior court, and thereafter the action shall be prosecuted according to the course of the court. And if it shall be established in the trial that the fertilizers seized are deficient or inferior to the analysis represented on the stamp or brand then the plaintiff in said action shall recover judgment on the defendant's bond for the value of the fertilizers seized.

SEC. 11. Any merchant, trader, manufacturer or agent who shall sell or offer for sale any commercial fertilizer or fertilizing materials without having such labels, stamps and tags as herein-

Persons avoiding  
payment of such  
license liable.

before provided attached thereto or shall use the required tag the second time to avoid the payment of the tonnage charge, or if any person shall remove any such fertilizer, shall be liable to a fine of ten dollars for each separate bag, barrel or package sold, offered for sale or removed to be sued for before any justice of the peace and to be collected by the sheriff by distress or otherwise, one half less the cost to go to the party suing and the remaining half to the department; and if any such fertilizer shall be condemned as herein provided it shall be the duty of the department to have an analysis made of the same and cause printed tags or labels expressing the true chemical ingredients of the same put upon each bag, barrel or package and shall fix the commercial value thereof at which it may be sold. And any person who shall sell, offer for sale or remove any such fertilizer, or any agent of any railroad or other transportation company who shall deliver any such fertilizer in violation of this section shall be guilty of a misdemeanor.

Fertilizer shall be condemned.

Agents delivering fertilizer in violation of this act guilty of a misdemeanor.

Samples of fertilizer may be collected by said department.

SEC. 12. The department of agriculture shall have power and authority at all times to have collected samples of any commercial fertilizer or fertilizing materials offered for sale in this state and have the same analyzed, and such samples shall be taken from at least ten per centum of the lot from which they may be selected. And whenever any commercial fertilizers or fertilizing material shall be analyzed as required by law and such analysis shall show the presence of [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.

Publication shall be made of analysis.

Companies may be required to furnish department monthly statements.

SEC. 13. It shall be lawful for the department of agriculture to require the officers, agents or managers of any railroad, steamboat or other transportation company transporting fertilizers or fertilizing materials in the state to furnish monthly statements of the quantity of such fertilizers with the name of the consignor and consignee and the name of brand delivered on their respective lines at any and all points within this state. And said department is hereby empowered to compel said officers, agents or managers to submit their books for examination if found expedient so to do. And any such agents, officers or managers failing

or refusing to comply with the requirements of this section shall be guilty of a misdemeanor.

SEC. 14. The department of agriculture shall employ an analyst or state chemist skilled in agricultural chemistry and such assistants as may be necessary. It shall be the duty of said state chemist to analyze such fertilizers and products as may be required by the department of agriculture, and to aid as far as practicable in suppressing fraud in the sale of commercial fertilizers. He shall also under the direction of said department analyze for citizens of the state such samples of ores, minerals, mineral waters, soils, marls and phosphates as may be deemed by the department of benefit to the development of the material interests of the state, when such samples are supplied under rules provided by the department, and he shall carry on such other investigations as said department may direct. He shall make regular reports to the said department of all analyses, assays and experiments made which shall be furnished when deemed needful to such newspapers as will publish the same. His salary shall be paid out of the funds of the department. The work heretofore performed by the Fertilizer Control Station connected with the Agricultural Experiment Station shall be done and performed by the said state chemist, who shall have control under the direction of the board of agriculture of all rooms, laboratories, equipment, apparatus and supplies now used in the analysis of fertilizers, ores, etc., in the building belonging to the department and known as the agricultural building, and the board of agriculture shall reimburse the Fertilizer Control Station for such apparatus, equipment, etc., belonging to said station in such amount as in their judgment may seem reasonable.

Department shall employ analyst.

Regular reports shall be made by analyst.

Salary of analyst.

SEC. 15. Whenever any manufacturer of fertilizers or fertilizing materials shall have paid the charges hereinbefore provided his goods shall not be liable to any further tax, whether by city, town or county.

Manufacturers of fertilizers not liable to further tax.

SEC. 16. That nothing herein contained shall affect chapter five hundred and fifty-five (555) of the laws of eighteen hundred and ninety-one, nor chapter three hundred and twenty-eight (328) of the laws of eighteen hundred and ninety-seven.

Certain chapters not affected.

SEC. 17. That the board of agriculture shall investigate and report upon the condition of the timber in North Carolina and recommend such legislation as will promote the growth thereof and preserve the same.

Board shall report upon condition of timber.

SEC. 18. This act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1899.

## CHAPTER 378.

## An act for the better drainage of lowlands in Gaston and Lincoln counties.

*The General Assembly of North Carolina do enact:*

Certain creeks constituted a drainage.

SECTION 1. That Dutchman creek in Gaston and Lincoln counties, and Killians creek in same counties from Mins Manufacturing Company mill dam to Marisposa Cotton Mills, and from the mouth of Killians creek to the Hunter Mill, are hereby constituted a drainage for the purposes mentioned in this act.

Commissioners appointed to lay off creek.

SEC. 2. That W. G. Rutledge, William Edlemon and P. P. Smith of Gaston county, and J. C. Cahill, J. A. Abernethy and A. Nixon of Lincoln county are hereby appointed commissioners, who shall on or before June first, eighteen hundred and ninety-nine, lay said creek off into sections or a section and shall appoint overseer or overseers, who shall hold office for two years.

Duties of commissioners.

SEC. 3. That 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 land owner shall be required to furnish a hand to work: *Provided, however,* that each land owner shall furnish the overseer with the number of hands required from each land owner.

Compensation of overseer.

SEC. 4. Any land owner 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.

May accept laborers.

SEC. 5. The overseer may accept laborers offered as substitutes for the land owners if he approve the same. He shall also apply all money paid in lieu of work or collected as penalties in hiring hands to work on said streams.

Persons failing to work when notified.

SEC. 6. 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 either Gaston or Lincoln counties shall be fined not less than five nor more than ten dollars or imprisoned not less than ten days nor more than twenty days in the common jail of either county for each and every offense.

Overseers liable to penalties.

SEC. 7. 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 provision of the act shall be collected by and paid to the overseer or overseers.

SEC. 8. Overseers shall give five days' notice to land owners as above prescribed of the time and place of working and the kind of tool required of each hand.

Overseers shall give notice to land owners

SEC. 9. Nothing in this act shall be construed to except persons therein mentioned from working on public roads.

Persons not exempted from road duty.

SEC. 10. This act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1899.

#### CHAPTER 379.

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

*The General Assembly of North Carolina do enact:*

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) on each poll annually for two years, viz: For the years eighteen hundred and ninety nine and nineteen hundred, 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.

Board of commissioners of Beaufort county authorized to levy a special tax of  $13\frac{1}{3}$  cents on property and 40 cents on poll. for paying indebtedness and repairing and constructing bridges.

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

Ratified the 4th day of March, A. D. 1899.

#### CHAPTER 380.

An act to change the time of holding superior court in the counties of Macon, Clay, Cherokee, Graham and Swain in the twelfth judicial district.

*The General Assembly of North Carolina do enact:*

SECTION 1. That terms of the superior court for the counties of Macon, Clay, Cherokee, Graham and Swain shall be held as follows: Macon county, beginning on the ninth Monday after the first Monday in March and continues for two weeks, and on the fourth Monday after the first Monday of September and contin-

Term of court of Macon, Clay, Cherokee, Graham and Swain, counties changed.

nes for one week. Clay county, beginning on the eleventh Monday after the first Monday in March and continues for one week, and on the fifth Monday in September and continues for one week. Cherokee county, beginning on the twelfth Monday after the first Monday in March and the sixth Monday after the first Monday in September and continues for two weeks each term. Graham county, beginning on the fourteenth Monday after the first Monday in March and continues one week, and the eighth Monday after the first Monday in September and continues for one week. Swain county, beginning on the fifteenth Monday after the first Monday in March and continues for three weeks, and the ninth Monday after the first Monday in September and continues for two weeks: *Provided*, that all process that has been issued returnable to the superior court of the above named counties under the law as it existed before the passage of this act shall be returned to the dates and times mentioned in this act as though the same had been issued returnable to the dates and times mentioned in this act.

Processes already issued returnable at these courts.

Conflicting laws repealed.

SEC. 2. That all laws and 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.

SEC. 4. This act shall apply only to the spring term, eighteen hundred and ninety nine, of the superior courts and shall not affect any court in the twelfth judicial district after the first day of July, eighteen hundred and ninety-nine.

Ratified the 4th day of March, A. D. 1899.

## CHAPTER 381.

An act to repeal chapter seventy-five (75) public laws of eighteen hundred and ninety-one.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter seventy five (75), public laws of eighteen hundred and ninety one, be and the same is hereby repealed.

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

Ratified the 4th day of March, A. D. 1899.

An act to prohibit emigrant agents from plying their vocation in this state without first obtaining a license therefor, repealed.

## CHAPTER 382.

## An act for the better drainage of the lowlands in Forsyth county.

*The General Assembly of North Carolina do enact:*

SECTION 1. That whenever a majority of the land owners on any of the streams or any sections of not less than two miles thereof of Forsyth county shall petition the commissioners of said county it shall be their duty to appoint five commissioners from among the land owners on said stream, whose duty it shall be as soon as practicable to lay off said streams in sections of convenient length and to appoint one overseer to each section who shall hold his office for two years and who shall be a land owner in the section for which he is appointed.

When majority of owners of land on sections of streams not less than two miles in length petition commissioners, five commissioners from among land owners shall be appointed.  
Duty.  
Appointment of overseer.

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 caused by death or otherwise the board of county commissioners of said county shall upon application being made appoint commissioners and overseers for the purpose herein mentioned.

Commissioners may elect one of their number chairman.

SEC. 3. The said commissioners shall estimate the number of acres of bottom land sobbed or overflowed and the entire number of acres of each individual of Forsyth [county] on the streams so laid off and lying in sections one fourth of a mile up the channel of its tributaries, and shall furnish each overseer with a copy of the estimate of his section in which these lands lie; and upon notice of seven days by said overseer shall each furnish one sufficient [efficient] hand with appropriate tools, such as shall be notified by the overseer to furnish, for every ten acres of sobbed land and one for every twenty acres of unsobbed lands, and upon failure to do so shall forfeit and pay one dollar per day for failure upon each hand, which may be recovered by said overseer by warrant as in case of failure to work on the public roads: *Provided, however*, that lands situated upon the heads of mill ponds and otherwise so that they can not be equally benefitted shall only be subject to the provisions of this act in the proportion that they may be benefitted, as nearly as can be estimated by said commissioners.

Owners of land along said stream shall furnish a hand.

Failure to furnish hand.

Proviso.

Lands situated upon ponds, etc.

SEC. 4. That it shall be the duty of the commissioners in laying off the streams and section 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 sobbed lands, and other lands owned by them within the estimate provided for in section three of this act, as equally as may be and allot to the overseer of each section the hands required of the overseers of the land embraced in his section.

Labor, how distributed among land owners along stream.

Duties of overseer.

Shall not exceed twenty days annually.

Proviso.

Persons felling trees in streams without removing within ten days guilty of a misdemeanor.

Fines and assessments for failure to work, how recovered.

Overseer failing to perform duty guilty of a misdemeanor.

Commissioners empowered to stop washes flowing into stream.

Owners of land affected by provisions of this act willfully obstructing stream guilty of a misdemeanor.

Nothing contained in this act to prevent building of bridges.

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 any number of days at the discretion of the committee, not to exceed twenty, on the channel of the streams with the power to straighten, deepen, remove obstructions and improve the banks thereof: *Provided*, that said commissioners may in their discretion under [order] any or all of the overseers with their respective hands when deemed necessary to work at any point on said streams.

SEC. 6. That any person or persons who shall willfully and knowingly fell timber into or otherwise obstruct the flow of water or sand in the channel of said streams between said points of said boundaries in said county 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 shall be fined or imprisoned at the discretion of the court, one or both.

SEC. 7. That all fines and assessments for failure to work as herein provided shall be received and recovered by the said respective overseers, to be by them expended in the work of improving the channels of said streams or stopping washes as hereinafter provided for. Any overseer failing or neglecting to perform the duties required by this act shall be guilty of a misdemeanor and on conviction shall be fined or imprisoned, one or both, at the discretion of the court: *Provided*, that no person shall be required without his consent to serve as such overseer more than two years at any one time.

SEC. 8. That the commissioners shall also have power to stop all washes emptying into said streams or upon said bottom lands, to prevent the inflowing of sand, and may exercise such powers in the same way and under the same rules and regulations as are prescribed in this act for draining the lowlands; and for the purpose of stopping said washes said overseers and hands shall have the right to cut bushes and timber and gather stone from the land of the several and respective land owners.

SEC. 9. That any owner of land affected by the provisions of this act who shall willfully obstruct the said commissioners, overseers or 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.

SEC. 10. That nothing contained in this act shall prevent the building of public bridges or public roads across said streams or private bridges or water gate by the land owner for their own convenience.

SEC. 11. That nothing herein contained shall be so construed

as to exempt persons herein mentioned from working on public roads.

Shall not be construed to exempt persons from road duty.

SEC. 12. That this act shall be in force from and after its ratification.

Ratified the 4th day of March, A. D. 1899.

#### CHAPTER 383.

##### An act to authorize the county of Nash to levy a special tax.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of commissioners of Nash county are hereby authorized and empowered to levy a special tax not to exceed ten cents on every one hundred dollars worth of taxable property and thirty cents on the poll for the years eighteen hundred and ninety-nine and nineteen hundred respectively for the purpose of paying the debts against the county contracted for building iron bridges across Tar river and to meet current expenses of said county.

Commissioners of Nash county authorized to levy special tax, not exceeding 10 cents on \$100.

Purpose of special tax.

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

Ratified the fourth day of March, A. D. 1899.

#### CHAPTER 384.

##### An act to promote the comfort of travellers on railroad trains, and for other purposes.

*The General Assembly of North Carolina do enact:*

SECTION 1. That all railroad companies and steamboat companies engaged as common carriers in the transportation of passengers for hire in the state of North Carolina other than street railways shall provide separate but equal accommodations for the white and colored races on all passenger trains and steamboats carrying passengers. Such accommodations may be furnished by railroad companies either by separate passenger cars or by compartments in passenger cars, which shall be provided by the railroads under the supervision and direction of the board of railroad commissioners or the officers succeeding to their powers: *Provided*, that this shall not apply to relief trains in cases of accident, to Pullman or sleeping cars or through express trains

Railroad and steamboat companies required to provide separate accommodations for races.

How furnished.

Proviso.

Shall not apply to certain trains.

Branch and narrow-gauged lines exempt from provisions of this act in discretion of corporation commission.

When coaches or compartments filled and no extra coaches to be had.

First and second-class accommodations shall be furnished. — Failure to comply with this act.

Penalty.

First and second-class accommodations shall be furnished. — Failure to comply with this act.

that do not stop at all stations and are not used ordinarily for travelling from station to station, to negro servants in attendance on their employers, to officers or guards transporting prisoners, nor to prisoners so transported.

SEC. 2. The railroad commissioners of this state or the officers succeeding to their powers are hereby authorized to exempt from the provisions of this act branch lines and narrow gauged railroads if in their judgment the enforcement of this act be unnecessary to secure the comfort of passengers by reason of the light volume of passenger traffic or the small number of colored passenger travellers on such narrow-gauged or branch lines.

SEC. 3. That when any coach or compartment of a car for either race shall be completely filled at a station where no extra coach or car can be had and the increased number of passengers could not be foreseen, the conductor in charge of such train is hereby authorized to assign and set apart a portion of a car or compartment assigned for passengers of one race to passengers of the other race.

SEC. 4. That all railroad companies shall furnish first and second class passenger accommodations.

SEC. 5. That any railroad company failing to comply in good faith with the provisions of this act shall be liable to a penalty of one hundred dollars per day, to be recovered in an action brought against such company by any passenger on any train or boat of any railroad or steamboat company which is required by this act to furnish separate accommodations to the races, who has been furnished accommodations on such railroad train or steamboat in only a car or compartment with a person of a different race in violation of the provisions of this act.

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

Ratified the 4th day of March, A. D. 1899.

#### CHAPTER 385.

##### An act to change the time of holding the courts of Union and Stanly counties.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the superior courts of Union county shall be held at the following times, to wit: The fifth Monday before the first Monday in March, to continue for three weeks and the first week to be for the trial of criminal cases only, and the second and third weeks to be for the trial of civil cases only, except that any trial commenced but not finished the first week may be continued

Time of holding courts in Union county changed.

and finished the second week; the fourteenth Monday after the first Monday in March, to continue for two weeks and to be for the trial of criminal cases only; the second Monday before the first Monday in September, to continue for two weeks and to be for the trial of civil cases only; the first Monday after the first Monday in September, to continue for one week and to be for the trial of criminal cases only; the fifteenth Monday after the first Monday in September, to continue for one week and to be for the trial of criminal cases only. Civil process shall be returnable to and pleadings filed at all of said terms.

SEC. 2. That the superior courts of Stanly county shall be held at the following times, to wit: The first Monday in March, to continue for two weeks, but no civil case shall be called for trial before Wednesday of the first week; the first Monday in September, to continue one week and to be for the trial of criminal cases only; the fourteenth Monday after the first Monday in September, to continue for one week and to be for the trial of civil cases only. Civil process shall be returnable to and pleadings filed at all of said terms.

Time of holding superior courts of Stanly county.

SEC. 3. That this act shall be in force and effect from and after the first day of July, Anno Domini eighteen hundred and ninety-nine, except as to the provision for holding the criminal term for Union county on the fourteenth Monday after the first Monday in March, and as to that term this act shall be in force from and after its ratification.

When effective.

Ratified the 4th day of March, A. D. 1899.

## CHAPTER 386.

### An act for the relief of George A. Gash, of Henderson county.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the treasurer of Polk county is hereby authorized and empowered to pay to George A. Gash, of Henderson county, the sum of twelve dollars and thirteen cents (\$12.13) out of any of the public school funds which may be on hand or which may hereafter come into the treasury.

Treasurer of Polk county authorized to pay certain claim.

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

Ratified the 4th day of March, A. D. 1899.

## CHAPTER 387.

An act to amend chapter five hundred and seventy-one, public laws of the year eighteen hundred and ninety-one, relating to the free passage of fish in the Yadkin river.

*The General Assembly of North Carolina do enact :*

Section 2, chapter 57, laws of 1891, amended.

Proviso.

Fish-way over dams must be provided.

Conflicting laws repealed.

SECTION 1. That section two of chapter five hundred and seventy-one of the public laws of the year eighteen hundred and ninety one be amended by striking out all after the word "purposes" of line four of said section: *Provided*, that this act shall not be construed to exempt the owner of said dam from the provisions of the law requiring a fish-way over dams.

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 4th day of March, A. D. 1899.

## CHAPTER 388.

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

*The General Assembly of North Carolina do enact :*

Section 11, chapter 98, public laws of 1879, amended.

Proviso.

Cancellation of coupons of bonds.

SECTION 1. That section eleven, chapter ninety eight of the public laws of eight[een] 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 words "nineteen hundred and one," so as to extend the time at which said act shall expire to January first, nineteen hundred and one, and the governor is directed to resist the collection of all such bonds as are not funded by the time above specified.

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

SEC. 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.

Public treasurer shall advertise for exchange.

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

Ratified the 4th day of March, A. D. 1899.

#### CHAPTER 389.

An act to amend chapter five hundred and forty-nine of the public laws of eighteen hundred and ninety-one.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section four, chapter five hundred and forty-nine, public laws eighteen hundred and ninety-one, be amended as follows: That there shall be elected by this general assembly six additional trustees in addition to those provided for in the said chapter, two of whom shall be selected for a term of two years, two for four years and two for six years.

An act providing for an agricultural and mechanical college for the colored race amended.

SEC. 2. That section thirteen of said chapter five hundred and forty-nine be amended to read as follows: The number and times of the meeting of the board shall be fixed by the board, and that the trustees shall not receive any pay or per diem, but only their travelling expenses and hotel fare and that only for four times in each year.

Number and times of meeting.

SEC. 3. That the board of trustees shall have power to elect an executive board of three of their own number, who shall have the immediate management of the said institution when the full board is not in session.

Trustees empowered to elect executive board.

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

Conflicting laws repealed.

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

Ratified the 4th day of March, A. D. 1899.

#### CHAPTER 390.

An act to amend an act to establish and provide for the militia and for the support and maintenance of the state guard, ratified March sixth, eighteen hundred and ninety-three.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section two be amended to read as follows: That the white and colored militia shall be separately enrolled, but shall never be compelled to serve in the same organization:

White and colored troops separately enrolled.

*Provided*, that no organization of colored troops shall be permitted.

Provided.

Colored troops shall be under command of white officers.

ted while white troops are available and that when permitted to be organized colored troops shall be under command of white officers.

Salary of adjutant-general.

SEC. 2. That section ten be amended to read as follows: The adjutant-general shall be chief of-staff and commander of the brigade of three regiments now constituting the state guard, for which he shall receive an annual salary of one thousand dollars, and whenever the brigade is called into active service he shall be entitled to detail and appoint for the time being two lieutenants as aides-de-camp. The quartermaster general shall receive an annual salary of five hundred dollars.

Salary of quartermaster-general.

Necessary expenses.

SEC. 3. That the last sentence of section eleven be amended to read as follows: The adjutant general shall be allowed all such necessary expenses as may be incurred in printing, clerk hire, making the blank forms, books, orders and reports required in his office not to exceed one thousand dollars.

Term of enlistment.

SEC. 4. That section thirteen be amended to require that enlistments shall be made for three instead of five years.

Organization in more than one brigade.

SEC. 5. That section twenty be amended to read as follows: That whenever it may be necessary to organize the state guard in more than one brigade the commanders of such brigades shall be designated by the governor and they shall be allowed the aides-de camp authorized by section two of this act.

Naval battalion.

SEC. 6. That section twenty-one be amended to read as follows: That company officers and officers of the divisions of the naval battalion shall be elected biennially on the last Thursday in November by the written votes of the enlisted men of their commands. That field officers of regiments and battalions and officers of corresponding grades in the naval battalion shall be similarly elected by company officers quadrennially on the first Thursday in December.

Persons absenting themselves from military duty.

SEC. 7. That the last clause of section thirty-three be amended to read as follows: If any officer or soldier shall absent himself from any military duties required by orders or regulations without having obtained the permission of his commanding officer, or without an excuse satisfactory to his commanding officer, he shall be brought to trial, if an enlisted man or company officer, before his company officers or remaining company officers as the case may be; if a field officer before the remaining field officers of his regiment who under oath to duly administer justice, which oath shall be administered by the junior officer, shall determine the matter, and if adjudged guilty these officers shall impose a fine of not exceeding five dollars, and if said fine is not promptly paid the offender, if an enlisted man, may be imprisoned in the county jail for a period of not exceeding five days, and the company commander's commitment to jail in such case shall be duly recognized by the county sheriff. If the delinquent

is an officer the matter shall be reported for the action of higher authority: *Provided*, that fines collected from enlisted men shall be turned over to the credit of the companies to which they belong, to be used for its current expenses, and that fines paid by officers shall be turned over to the paymaster-general for the use of the state guard: *Provided further*, that the principles of discipline herein set forth shall apply to the naval battalion in assimilated grades.

Proviso.

Fines collected.

SEC. 8. That section thirty six be amended to read as follows: There shall be allowed annually to each commander of a regiment and of the naval battalion the sum of one hundred dollars with which to defray the necessary expenses incurred in the discharge of the duties of his office. There shall be allowed annually to each company and naval division in the state guard not exceeding thirty six companies of infantry and eight divisions of the naval battalion which complies with the law and regulations relating thereto, and upon the recommendation of the inspector-general, the sum of two hundred and fifty dollars, and to a detachment of artillery under like restrictions the sum of one hundred dollars, to be applied to the payment of armory rent, insurance and other necessary expenses of the company, division or detachment, and an itemized statement of receipts from every source, showing how the same has been expended, shall on December first of each year be rendered to the paymaster-general. These appropriations shall be paid in semi-annual installments, but shall not be paid unless the company, division or detachment shall perform all the drills and parades required by law, and at the annual inspection thereof shall have paraded with at least seventy-five per cent of its enrolled active members: *Provided*, that such companies, divisions or detachments shall be located on lines of railroad, steamboat or telegraphic communication: *And provided further*, that no larger amount shall be expended or appropriated under this act, including salaries, office expenses and expenses of encampments and practice marches than the sum of (\$16,000), sixteen thousand dollars.

Commanders of regiments and naval battalions.

Proviso.

Annual appropriation.

SEC. 9. That section thirty seven be amended to read as follows: The commander in chief may annually order into camp or on practice marches such portions of the state guard as he sees proper. The period of such encampment of practice march shall not exceed ten days, including the time travelling to and from camp of mobilization: *Provided*, that in place of encampment or practice marches the naval battalion may perform service afloat.

Commander-in-chief may order into annual encampment.

SEC. 10. 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.

Conflicting laws repealed.

Ratified the 4th day of March, A. D. 1899.

## CHAPTER 391.

**An act to extend the time of settlement of the county taxes of Martin county.***The General Assembly of North Carolina do enact :*

Sheriff of Martin county ordered to pay certain claims.

SECTION 1. That the time of settlement by Joseph D. Biggs, late sheriff of Martin county, for the county taxes for the year eighteen hundred and ninety eight (1898), be extended to the first (1st) Monday in September, eighteen hundred and ninety-nine (1899), and that he have until said time to collect and settle said taxes.

SEC. 2. This act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1899.

## CHAPTER 392.

**An act to repeal chapter one hundred and fifty-seven (157) of the public laws of eighteen hundred and ninety-five, relating to the elections of justices of the peace.***The General Assembly of North Carolina do enact :*

Relating to election of justices of the peace, not exceeding three in number for each township, by legislature.

SECTION 1. That chapter one hundred and fifty-seven of the public laws of eighteen hundred and ninety five be and the same is hereby repealed.

SEC. 2. That this act shall only apply to the counties of Washington, Granville, Vance, Warren and Forsyth, Perquimans, Caswell, Pasquotank, Harnett, Edgecombe, Bertie, Chowan and Montgomery.

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 393.

**An act to repeal chapter four hundred and twenty-one, public laws of eighteen hundred and ninety-seven.***The General Assembly of North Carolina do enact :*

Relating to annual election for special school tax. State to appropriate equal amount to that voted. Conflicting laws repealed.

SECTION 1. That chapter four hundred and twenty-one (421), public laws of eighteen hundred and ninety-seven, be and the same is hereby repealed.

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

SEC. 3. That this act shall be in full force and effect from and after the thirty-first day of May, eighteen hundred and ninety-nine.

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 394.

An act to appoint C. Thompson a justice of the peace in Bryan township,  
Surry county.*The General Assembly of North Carolina do enact :*

SECTION 1. That C. Thompson be and is hereby appointed a justice of the peace for Bryan township in Surry county for the term of six years from and after August first, eighteen hundred and ninety-nine.

C. Thompson  
appointed justice  
of the peace for  
Bryan township,  
Surry county.

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 395.

## An act to appoint justices of the peace for Johnston county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That John H. Parker is hereby appointed a justice of the peace for Selma township, Johnston county, for six years.

John H. Parker  
appointed justice  
of the peace for  
Selma township,  
Johnston county.

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. 1899.

## CHAPTER 396.

An act to amend section one thousand three hundred and eight of The  
Code.*The General Assembly of North Carolina do enact :*

SECTION 1. That section one thousand three hundred and eight of The Code be amended by adding thereto the following words: Which judgment shall be a lien upon the said lands from the date of the performance of the work.

Persons failing to  
work road judg-  
ment entered  
against them.  
Said judgment a  
lien on land.

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 397.

## An act to provide for trustees of the Colored Normal School at Goldsboro.

*The General Assembly of North Carolina do enact :*

Trustees of Colored Normal School at Goldsboro.

SECTION 1. That J. M. Powell, D. J. Broadhurst, Sol. Weil, J. W. Gardner and W. H. Sugg be and they are hereby appointed trustees of the Colored Normal School at Goldsboro and as such shall elect the superintendent and teachers of said school, fix the salaries of the same and superintend and manage said school.

Shall make reports to superintendent of public instruction.

SEC. 2. That said trustees shall make reports from time to time to the superintendent of public instruction of the state and shall follow as far as practicable the recommendation of said superintendent.

Term of office.

SEC. 3. That said trustees shall hold their places for two years and until their successors are elected by the next general assembly and qualify, and in the event of a vacancy the remaining trustees shall have power to fill the same.

SEC. 4. That this act shall be in force from and after the first day of June, eighteen hundred and ninety nine.

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 398.

## An act to provide a local board of managers of the State Colored Normal School at Fayetteville.

*The General Assembly of North Carolina do enact :*

Local board of managers Colored Normal School at Fayetteville.

SECTION 1. That James D. McNeill, Dr. W. C. McDuffie, H. W. Lilly, H. R. Horne and H. L. Cook be and they are hereby appointed the local board of managers of the State Colored Normal School at Fayetteville, whose term of office shall begin on April twenty-fifth, eighteen hundred and ninety-nine, and continue for two years thereafter and until their successors are appointed.

Powers and duties of said board.

SEC. 2. Said local board of managers shall have entire supervision and control of the funds and property of said State Colored Normal School at Fayetteville; shall be the sole judges of the fitness and character of the superintendent and teachers therein, who shall be employed only with the consent of a majority of said board, and for good cause may dismiss the superintendent or any teacher and employ another person to fill the same place; may fix the number and salaries of the teachers in said school and the salary of the superintendent; adopt rules for the government of the superintendent, teachers and pupils, and generally

shall do all things necessary to the proper maintenance of said school.

SEC. 3. In case of the resignation or death of any member of said board the remaining members shall fill the vacancy. Vacancies occurring.

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

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

Ratified the 6th day of March, A. D. 1899.

#### CHAPTER 399.

An act for the relief of certain ex-Confederate soldiers, and widows of such soldiers.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the names of the following ex-Confederate soldiers and widows of ex-Confederate soldiers be placed on the pension rolls of the state in the classes stated opposite their names, and the state auditor be and he is hereby authorized and instructed to draw his warrants on the treasurer of the state in favor of each soldier and widow for the year eighteen hundred and ninety-eight and annually thereafter at the same time and in the same manner in which pension warrants are issued to state pensioners: Certain ex-Confederate soldiers placed on the pension roll.

Alexander county—H. F. Echard—fourth class.

Anson county—William H. Price—third class.

Harnett county—John L. Jones—second class.

Hyde county—W. W. Barnes—fourth class; W. S. Barnett—fourth class.

Lincoln county—Hiram Brotherton—fourth class.

Mitchell county—Frank V. Bonner—fourth class.

Onslow county—Loomis Alphin—second class; William Screws—second class.

Pender county—Daniel W. Mott—third class; Mrs. M. A. Rivensbark—fourth class.

Perquimans county—Jacob D. Byrum—second class.

Rockingham county—George W. Shropshire—fourth class.

Surry county—James F. Brindle—fourth class.

Watauga county—W. W. Pernell—fourth class; C. J. Cottrell—fourth class; Elijah Farthing—fourth class; Mrs. Catherine Wike—fourth class; Mrs. Phœbe Parlier—fourth class.

Wilkes county—E. C. Yates—fourth class.

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 400.

**An act to place Mrs. Emily Page, of Robeson county, on the pension list.***The General Assembly of North Carolina do enact :*

Mrs. Emily Page,  
of Robeson  
county, placed on  
pension roll.

SECTION 1. That the name of Mrs. Emily Page, of Robeson county, North Carolina, aged, infirm and dependent, widow of Paschal A. Page, a Confederate soldier, company C, sergeant-major of the forty-seventh North Carolina regiment in the late civil war, be and is hereby placed on the pension list of this state.

Usual widow's  
pension.

SEC. 2. That the usual pension of the first class allowed to widows of soldiers in the late civil war be granted to her.

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 401.

**An act for the protection of the executor and commissioners of the estate of the late Dr. John C. Terrell, of Person county.***The General Assembly of North Carolina do enact :*

Executor of Dr.  
John C. Terrell  
authorized to  
invest any  
funds devised to  
schools in Person  
county bonds.

SECTION 1. That the executor of the last will and testament of the late Dr. John C. Terrell and the commissioners under the said will and testament are hereby authorized and empowered to invest any and all funds of said estate devised and bequeathed to the use of the public schools of Person county in the bonds of Person county and the investment of the said funds in the said bonds shall exempt said executor and commissioners from any liability thereon.

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 402.

**An act to authorize the treasurer of Surry county to pay a certain school claim.***The General Assembly of North Carolina do enact :*

Treasurer of  
Surry county  
ordered to pay  
certain school  
claim.

SECTION 1. That the treasurer of Surry county is hereby authorized and empowered to pay to R. L. Park the sum of eight dollars and fifteen cents (\$8.15) out of any of the public school

fund of district number twenty-two of Surry county for the year eighteen hundred and ninety-six.

SEC. 2. This act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1899.

#### CHAPTER 403.

##### An act for the relief of Lizzie York.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the treasurer of Nash county is hereby authorized and directed to pay out of any moneys in his hands or hereafter shall come into his hands due to district number five, school district number one, formerly district number forty-one, said county, the sum of one hundred dollars to Lizzie York for services rendered as teacher of the white race for said district for the year eighteen hundred and ninety-seven.

Treasurer of Nash county ordered to pay certain school claim.

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

Ratified the 6th day of March, A. D. 1899.

#### CHAPTER 404.

##### An act to prevent dutch net fishing in Bath creek and its tributaries.

*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any person or persons to use or fish with any dutch or pound nets in the waters of Bath creek and its tributaries or within one mile below or one half mile above the mouth of the said Bath creek.

Fishing with dutch or pound nets in Bath creek unlawful.

SEC. 2. That any person or persons violating the provisions of this act shall be guilty of a misdemeanor and fined or imprisoned at the discretion of the court.

Violation of this act a misdemeanor.

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 405.

## An act to regulate fishing in Big and Little Flatty creeks.

*The General Assembly of North Carolina do enact :*

Fishing with certain nets in Big or Little Flatty creeks a misdemeanor.

SECTION 1. That chapter three hundred and ninety nine (399), public laws of eighteen hundred and ninety five, be and the same is hereby repealed and the following substituted in the place thereof: That no person or persons shall fish with nets, pound nets, seines, traps, lalliers or any other kind of fishing apparatus in the waters of Big or Little Flatty creeks until said person or persons shall have resided in the county of Pasquotank for one year.

Violation of this act a misdemeanor.

SEC. 2. That any person violating the provisions of this act 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. 3. That this act shall be in force from and after its ratification.

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 406.

## An act for the relief of W. M. Peele, of Wayne county.

*The General Assembly of North Carolina do enact :*

Treasurer of Wayne county ordered to pay certain school claim.

SECTION 1. That the treasurer of Wayne county is hereby directed to pay to W. M. Peele the sum of twenty two (\$23 50 100) dollars and fifty cents for services rendered as a teacher in the public schools in district number thirty in the county of Wayne.

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 407.

## An act to protect partridges in Richmond county.

*The General Assembly of North Carolina do enact :*

Killing and trapping of partridges in Richmond county prohibited between certain dates. Violation of this act a misdemeanor.

SECTION 1. That the shooting, netting or trapping of partridges in Richmond county be prohibited by law except between the dates, fifteenth day of October and first day of April.

SEC. 2. That any person convicted of a violation of this act shall be guilty of a misdemeanor.

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

SEC. 4. This act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1899.

#### CHAPTER 408.

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

*The General Assembly of North Carolina do enact :*

SECTION 1. That the board of county commissioners of Hyde county be and they are hereby authorized and empowered at their regular meetings on the first Mondays in June of the years eighteen hundred and ninety-nine and nineteen hundred, 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 purpose of paying the indebtedness of said county and for making the needed improvements on the county jail and the county house for the aged and infirm. Commissioners of Hyde county empowered to levy a special tax.

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 (15) [cents] on the one hundred dollars worth of property and forty-five (45) cents on the poll, and the constitutional equation between the property and poll shall always be observed in making such levies. Purpose of special levy.

SEC. 3. That said tax shall be collected and accounted for by the sheriff or tax collectors of said county in the same manner and at the same times and under the same rules and regulations and under the same penalties as are prescribed for the collection of the state and county taxes. Maximum special tax.

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

Ratified the 6th day of March, A. D. 1899.

#### CHAPTER 409.

An act to establish graded schools in the town of Washington.

*The General Assembly of North Carolina do enact :*

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 the white and colored children. How collected and accounted for.

School district established.

Commissioners shall submit to voters question of levying special tax.

SEC. 2. That the commissioners of the town of Washington are hereby required to submit to the qualified voters of the said [town] within ninety (90) days after the passage of this act the question whether an annual tax shall be levied for the support of the public schools in said town, and the said election shall be held under the same rules and regulations as govern the election of municipal officers in said town.

Form of ballot.

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.

Said tax shall be levied if majority of voters vote for it.

SEC. 4. That if a majority of the qualified voters in said town 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 said schools not exceeding twenty (20) cents on the one hundred (\$100) dollars worth of real and personal property and other property taxed by the laws of North Carolina, and upon the poll not exceeding sixty (60) 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: *Provided*, that if the officers of election shall ascertain as the result of the election that a majority of the qualified voters have cast their votes "For schools" and shall so declare, and the same is entered upon the records of the town, it shall be held and deemed prima facie evidence of such fact: *Provided further*, that if such tax is not voted at the first election held hereunder the board of town commissioners, upon the written petition of one-fifth of the qualified voters of said town, shall order another election held in the manner heretofore provided, said election to take place at the time and place of the regular municipal election in the year nineteen hundred.

Maximum special tax.

Proviso.

Succeeding elections may be held.

Taxes shall be paid over to treasurer of town.

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 officers shall give bonds in such amounts as the commissioners of said town shall direct, the former for the faithful collection and paying over and the latter for the safe keeping and proper distribution of said special taxes and other funds that may come into his hands for the use of said graded schools; and said treasurer shall keep said school funds separate and apart from all other moneys and shall pay out the same only upon a warrant signed by the chairman and secretary of the board of trustees of the graded schools of said town.

School funds shall be kept separate.

School shall be under the control of seven trustees.

SEC. 6. That the graded public schools in said district shall be under the control and management of a board of trustees com-

posed of seven (7) members, citizens of said town, who shall be elected by the board of commissioners of the town of Washington during the month of July, eighteen hundred and ninety-nine, or later if for any reason they can not elect the same during said month. That the said board of town commissioners shall by ballot divide the said board of trustees into three classes; the members of the first class shall hold office for one year from first Monday in July, eighteen hundred and ninety-nine; the members of the second class shall hold office for two years from first Monday in July, eighteen hundred and ninety-nine; and the members of the third class shall hold office for three years from first Monday in July, eighteen hundred and ninety-nine; each shall hold until their successors are elected and qualified, and there shall be two members in the first class, three members in the second class and two members in the third class. After the expiration of the terms respectively for which the several members are elected, such vacancies shall be filled by the said board of town commissioners by the election of successors for terms of three years each: *Provided*, that vacancies by death or resignation or any other cause than by expiration of term shall be filled by said board of town commissioners only for the unexpired terms of such members: *Provided further*, that the present public school committee in said town elected under chapter three hundred and forty-three, public laws of eighteen hundred and ninety-seven, shall continue to hold office as a board of trustees under this act and to manage and control the public schools of said town until the election and qualification of the board of trustees hereinbefore provided under this act.

How elected.

Division of trustees into classes.

Term of office.

Vacancies occurring, how filled

Public school committee shall continue until election of trustees.

SEC. 7. That the board of trustees herein created and their successors shall be a body corporate by the name and style of "The Board of School Trustees of the town of Washington," and by that name shall be capable of receiving gifts and grants, of leasing property, of purchasing and holding real and personal estate, of conveying, mortgaging and transferring the same for school purposes, of prosecuting and defending suits; all conveyances of real estate shall be executed in the manner provided by law for corporations. The corporation may have a corporate seal, which it may alter at pleasure.

Body corporate.

Corporate name.

Corporate powers.

SEC. 8. That it shall be the duty of said board of trustees to establish graded public schools for the white and colored children of said town, and said board shall use and appropriate the funds derived from said special taxes and all other sources in such a manner as shall be just to both races, giving each equal school facilities, due regard, however, being had to the cost of establishing and maintaining the graded schools of each race. That the board of trustees provided by this act shall have entire

Schools for white and colored races.

Trustees shall have exclusive control

and exclusive control of the public schools and property in the town of Washington: shall prescribe rules and regulations for their own government and 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 public 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 acts that may be just and lawful in the management of the public school interests in said town: *Provided*, that all children resident in the town of Washington 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 may determine.

Proviso.

Children admitted to said schools.

School funds derived from state and county.

SEC. 9. That all public school funds derived from the state and Beaufort county for the use and benefit of the public schools in said town shall be paid to the town treasurer by the treasurer of Beaufort county for the use and benefit of the graded public schools in said town and the property both real and personal of said public school district, whether heretofore belonging to the white or colored public schools, shall become the property of said graded schools and shall be vested in the said board of trustees in trust for said schools, and the said board may sell the same or any part thereof if deemed necessary or advisable and apply the same for the use of said graded schools.

Election of superintendent.

SEC. 10. That the board of trustees created under the provisions of this act shall elect annually at least thirty (30) days before the opening of the fall session a superintendent of the graded schools in said town, whose duties shall be as prescribed by said board of trustees, and the said superintendent shall examine all applicants for positions as teachers in said schools and certify the result to said board before their election as such teachers by said board; no other certificates of qualification shall be necessary for such teachers before their election as teachers in said schools. The said superintendent shall also act as secretary to said board of trustees should the said board so elect him or require him to serve.

Examination of teachers.

Trustees shall make annual report.

SEC. 11. That it shall be the duty of said board of trustees to make annually after the close of each school year a full and complete report of the operations of said graded schools together with a financial report, and also such recommendations and plans for the future as may in their judgment be advisable to the mayor and board of commissioners of the town of Washington. Said board of trustees shall also include in their report such data and other information as may be required under the general school law.

SEC. 12. That the board of trustees in conjunction with the superintendent are hereby authorized in their discretion to fix a curriculum of studies and adopt text-books for said graded schools

Trustees and superintendent to fix curriculum.

SEC. 13. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 14. That this act shall be in force from and after its ratification.

Ratified the 6th day of March, A. D. 1899.

#### CHAPTER 410.

**An act to make labor day a legal holiday.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That section three thousand seven hundred and eighty four of The Code be and the same is hereby amended by inserting at the end of line four of said section the following words, to wit: "And the first Thursday in September."

Section 3784, of The Code amended

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

Ratified the 6th day of March, A. D. 1899.

#### CHAPTER 411.

**An act to continue in force chapter four hundred and forty-six of the laws of eighteen hundred and ninety-seven.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the time for organization under chapter three hundred and fifty, laws of eighteen hundred and ninety-one, and the act amendatory thereof be and [is] hereby extended two years from the passage of this act.

Chapter 350, laws of 1891, amended.

SEC. 2. That section one, chapter four hundred and forty-six of the laws of eighteen hundred and ninety-seven, be amended by substituting the name of O. W. Carr for that of W. H. Walker, deceased.

Section 1, chapter 416, laws of 1897, amended.

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 412.

**An act supplemental to an act entitled "An act to regulate fishing in Bachelor's bay and the Albemarle sound, and to amend chapter two hundred and forty-five of the public laws of North Carolina, session eighteen hundred and ninety-five."**

*The General Assembly of North Carolina do enact:*

Acts relative to fishing in Bachelor's bay amended.

SECTION 1. That section one of an act entitled "An act to regulate fishing in Bachelor's bay and the Albemarle sound and to amend chapter two hundred and forty-five of the public laws of North Carolina, session eighteen hundred and ninety-five," ratified the twenty-eighth day of February, Anno Domini eighteen hundred and ninety-nine, be amended by adding after the word "swamp" in said section the words, "and from the mouth of Morgan swamp to the Rock Spring branch."

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 413.

**An act to repeal chapter four hundred and thirty-three of the public laws of eighteen hundred and ninety-five.**

*The General Assembly of North Carolina do enact:*

Chapter 433, public laws of 1895, repealed. Relates to Mitchell county. Bond issue.

SECTION 1. That chapter four hundred and thirty-three of the public laws of eighteen hundred and ninety five be and the same is hereby repealed.

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 414.

**An act to amend section two thousand eight hundred and sixteen of The Code.**

*The General Assembly of North Carolina do enact:*

Reduction in charges by persons impounding stock.

SECTION 1. That section two thousand eight hundred and sixteen of The Code be amended by striking out in fourth line the word "fifty" and inserting in lieu thereof the word "twenty,"

and by striking out in line five "twenty-five" and placing in lieu thereof the word "fifteen."

SEC. 2. This act shall apply only to Franklin county.

Conflicting laws repealed.

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

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

Ratified the 6th day of March, A. D. 1899.

CHAPTER 415.

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 eighteen hundred and ninety-nine (1899) and nineteen hundred (1900) 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.

Commissioners of Wilkes county authorized to levy special tax.

Maximum amount.

SEC. 2. That taxes authorized to be levied in the preceding section shall be collected and accounted for at the same time and under the same penalties as are prescribed for the collection and accounting for other and state and county taxes, and shall be used exclusively to pay off the indebtedness of the county as the commissioners may direct.

Said tax, how levied and collected.

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

Ratified the 6th day of March, A. D. 1899.

CHAPTER 416.

An act to amend chapter two hundred and ninety-seven, laws of eighteen hundred and eighty-five to increase the no-fence territory in the county of Pitt, near the Greene county line.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the chapter two hundred and ninety-seven, laws of eighteen hundred and eighty five, be amended by adding to the end of section one the following: "And also beginning at the gate across the road leading from Dr. Hornaday's in the county of Greene to Adams bridge and running along the west and north side of said road across Little Contentna creek and thence starting up said creek and following the line of the lands of A. C. Tucker, its various courses and distances to the lands of J. S. Williams; thence with the various courses and distances of

Chapter 297, laws of 1885, amended.

Territory embraced.

said Williams' northern line to other lands of A. C. Tucker; thence along Tucker's northern line to J. H. Cobb's line; thence a southerly course with his and H. L. Blount's line to the creek road; thence along the north and east side of said road to the lands of Caleb Cannon; thence around and with the lines of said Cannon to the Greenville and Scuffleton road; thence along the west side of said road to the cross roads near Rountree's church; thence along the north side of the Newbern road to the stock law fence, near the residence of W. J. Jenkins."

Commissioners shall cause stock law fence to be erected.

SEC. 2. That it shall be the duty of the commissioners of the county of Pitt to cause a stock law fence to be erected along the line and route set out in section one of this act, and the costs of erecting the same and the costs of keeping in repair so much of said fence as lies in Pitt county shall be provided for and paid by the board of commissioners of Pitt in like manner as is the fence provided for in the act of which this is amendatory.

Unlawful for stock to run at large in said territory.

SEC. 3. That after the erection of said fence and its acceptance by the board of commissioners of Pitt it shall be unlawful for any stock to run at large in the territory in Pitt and Greene which may be embraced by said fence, and the fence which formed the boundary of the no fence territory in Pitt and Greene at the passage of this act and of which this is an extension, under like pains and penalties as is provided for in the act to which the chapter two hundred and ninety-seven, laws of eighteen hundred and eighty-five is a amendment.

Provisions of this act, how enforced.

SEC. 4. That all the provisions of this act shall be enforced in like manner as the provisions of the act of which this is an amendment, and all persons violating it shall be dealt with in like manner as is provided for in chapter seventy, laws of eighteen hundred and eighty-three, and all laws amendatory thereof.

SEC. 5. This act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1899.

#### CHAPTER 417.

An act to authorize the commissioners of Alexander county to levy a special tax to build a court-house and jail.

*The General Assembly of North Carolina do enact :*

Commissioners of Alexander county empowered to levy special tax.

SECTION 1. That the county commissioners of Alexander county be and they are hereby authorized and empowered to levy a special tax for the purpose of building a court-house and jail for said county, either or both as the said commissioners may determine. The 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

Maximum tax.

and shall be levied at the same time and in the same manner as other taxes are levied on all the taxable property and polls in said county. In making said levy the said commissioners shall observe the constitutional equation between the property and the poll.

Constitutional equation shall be observed. Empowered to sell court-house.

SEC. 2. That the said commissioners are also authorized and empowered to sell the present court-house building and the present jail building and lot in said county on such terms and in such manner as they may consider best and apply the proceeds of said sale to the building of a new court house and to the purchase of another lot and the erection of a jail thereon.

SEC. 3. That before the two preceding sections shall become operative the said commissioners shall submit the question of levying said tax to the qualified voters of said county at the next general election to be held in said county or at any time prior thereto that the said commissioners may designate. Said election shall be held under the laws regulating other elections in said county, and upon the ratification of said levy by a majority of the qualified voters of said county the said commissioners shall levy said special tax for a period not exceeding five years from such ratification.

Question of levying tax shall be submitted to voters.

SEC. 4. That said special tax when levied shall be collected as other taxes in said county and shall be applied to no other purpose than that mentioned in section one of this act.

Special tax, how levied and collected.

SEC. 5. That after the said special tax shall have been levied for the first year the said commissioners may contract for the building of a court-house and jail for said county, either or both, as they may determine, and the said work shall be paid for in installments as the said special taxes are collected.

Commissioners may make certain contracts after tax has been levied.

SEC. 6. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

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

Ratified the 6th day of March, A. D. 1899.

CHAPTER 418.

An act relative to trials by justices of the peace in New Hanover county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That no person arrested under a warrant issued by any justice of the peace in New Hanover county shall be tried before any other justice of the peace in said county except upon removal as provided by law.

Causes may be moved from one justice to another.

Judgment in  
criminal offenses.

SEC. 2. That no judgment shall be rendered by any justice of the peace in said county of New Hanover in any submission for a criminal offense without first hearing evidence other than of prosecutor and defendant, if there were no other persons present at the commission of the offense.

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

Ratified the 6th day of March, A. D. 1899.

### CHAPTER 419.

#### An act to provide for the appointment of a cotton-seed weigher for the town of Franklinton.

*The General Assembly of North Carolina do enact:*

Commissioners  
of Franklin  
county author-  
ized to appoint  
cotton weigher.

SECTION 1. That the commissioners of Franklin county shall at their first meeting in March, eighteen hundred and ninety-nine, and every two years thereafter, appoint a public cotton-seed weigher for the town of Franklinton, whose duty it shall be to weigh all cotton seed bought or sold for the purpose of shipment in said town.

Cotton weigher  
shall take oath.

SEC. 2. That before entering on the duties of said office the said weigher shall take before some justice of the peace an oath for faithful performance of the duties of the said office and give bond for the same in the sum of two hundred dollars, payable to the state of North Carolina, said bond to be taken by the county commissioners and filed in the office of the register of deeds of the said county.

Compensation.

SEC. 3. That said weigher shall receive as compensation six cents for each load of seed weighed, one half to be paid by the purchaser and one half by the seller. And any other person weighing seeds as aforesaid except in the absence or sickness of the said weigher and by his authority shall be guilty of a misdemeanor and fined not exceeding twenty-five dollars.

Commissioners  
empowered to  
remove said  
weigher.

SEC. 4. That the said county commissioners shall have the power at all times to remove for sufficient cause the said weigher and also to fill all vacancies in the said office.

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 420.

An act to repeal chapter two hundred and sixty-nine of the public laws of eighteen hundred and ninety-seven.

*The General Assembly of North Carolina do enact :*

SECTION [1.] That chapter two hundred and sixty-nine of the public laws of eighteen hundred and ninety-seven be and the same is hereby repealed.

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

Ratified the 6th day of March, A. D. 1899.

Publication of county revenue and charges made optional as applying to Columbus, Lenoir and Beaufort counties, repealed.

## CHAPTER 421.

An act to repeal chapter two hundred and sixty-two, public acts of eighteen hundred and ninety-seven.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter two hundred and sixty two (262) of the public acts of eighteen hundred and ninety seven (1897) be and the same is hereby repealed.

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

Ratified the 6th day of March, A. D. 1899.

An act regulating collection of taxes in Durham county repealed.

## CHAPTER 422.

An act to amend chapter one hundred and forty-five, public laws eighteen hundred and ninety-seven.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter one hundred and forty-five, public laws of eighteen hundred and ninety-seven, be and the same is hereby amended by adding to section one, line eight, the name "Lenoir."

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

Ratified the 6th day of March, A. D. 1899.

An act prohibiting the use of certain nets and fish traps in N-use river amended.

## CHAPTER 423.

An act to repeal chapter three hundred and seven of the public laws of eighteen hundred and ninety-seven, and to change certain counties in the seventh, eighth and ninth congressional districts.

*The General Assembly of North Carolina do enact :*

Chapter 307, public laws of 1897, repealed.

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

Cleveland, Gaston, Mitchell, Davie and Yadkin counties placed in other congressional districts. Conflicting laws repealed.

SEC. 2. That the counties of Cleveland, Gaston and Mitchell shall hereafter constitute a part of the eighth congressional district, and the counties of Davie and Yadkin shall hereafter constitute a part of the seventh congressional district.

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 6th day of March, A. D. 1899.

## CHAPTER 424.

An act to authorize the commissioners of Caldwell county to levy a special tax to build a jail.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the county commissioners of Caldwell county be and they are hereby authorized to levy a special tax for the year eighteen hundred and ninety-nine (1899) and each succeeding year thereafter until a sufficient amount of money is raised to build a jail; the amount in the aggregate shall not exceed ten thousand dollars, and the amount to be levied for each year shall not exceed ten cents on the hundred dollars worth of taxable property in said county and thirty cents on the polls.

SEC. 2. That said commissioners are hereby authorized to contract for the building of said jail and pay for the same in such installments as may be agreed upon.

SEC. 3. That the said commissioners of said county are hereby authorized and empowered to sell the present jail, together with the lot on which it is situated, and apply the proceeds of such sale to the purchase of a suitable lot if necessary and to the erection thereon of a new jail in said county.

Commissioners of Caldwell county authorized to levy a special tax.

Maximum amount.

Authorized to contract for building jail.

Authorized to sell present of jail.

SEC. 4. That the taxes levied under the provisions of this act shall be collected by the sheriff or tax collector of Caldwell county under the same rules, penalties and forfeitures as provided in case of collection of general, state and county taxes.

Special taxes,  
how levied and  
collected.

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 425.

### An act to appoint justices of the peace for Harnett county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the following justices of the peace be appointed for the county of Harnett for the several townships named, whose term of office shall be six years from the ratification of this act:

Justices of the  
peace appointed  
for Harnett  
county.  
Term of office.

For Grove township—J. A. Stewart, J. M. Stewart, W. H. Stephenson, Thomas Dupree, Rufus Parish.

For Black River township—B. F. Williams, Albert Gregory.

For Mill Creek township—A. N. Sexton, W. A. Green, Walter Byrd, Jeff D. Upchurch, J. T. Johnson, Richard Crowder, Robert Johnson.

For Averasboro township—James Pearsall, J. R. Godwin, Act Tant, George T. Hodges, Tom Strigal Parker.

For Hector's Creek township—Malcum Senter, D. E. Green, J. A. Smith, Malcum M. McKay.

Upper Little River township—Captain Jo. Kelly, T. A. Harrington, N. A. S. McLean, John A. Brown, W. A. Page, Hugh McLean, William Mason, S. P. McKay, A. A. Bethea, S. W. Withers, Charles Bethea, D. J. McDonald.

Anderson's Creek township—Hugh Black, J. S. Johnson, H. D. McCornick, Niven Ray, Hugh Bayne, D. W. Turner.

Stewart's Creek township—J. T. Dallas, W. W. Allen, Richard Byrd, J. F. Byrd, D. J. Parker, Kenneth Murchinson, Jr., Dorsey Reaves.

Buckhorn township—M. V. Prince, R. T. Spence, B. F. Harrington.

Johnsonville township—R. C. Balden, A. C. Buie, L. McN. McDonald, Henry A. Morrison.

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 426.

## An act for the protection of poultry and birds in Davidson county.

*The General Assembly of North Carolina do enact :*

Clerk of court of Davidson county authorized to pay for hawk scalps.

SECTION 1. That on and after the fifteenth day of March, eighteen hundred and ninety nine, it shall be the duty of the clerk of the superior court of Davidson county to pay to the bearer the sum of twenty-five cents for each and every hawk scalp taken in Davidson county: *Provided*, that sparrow and broad-winged or mouse hawks are exempted.

Clerk shall make report to commissioners.

SEC. 2. That the clerk of the superior court shall make an itemized report of his expenditures under this act to the county commissioners of Davidson county at their regular monthly meetings, and it shall be the duty of the said commissioners to reimburse said clerk to the amount of the bounties paid by virtue of this act.

Clerk shall take affidavit of bearer of scalps.

SEC. 3. That the said clerk shall take the affidavit of the bearer of any hawk scalp that to the affiant's own knowledge the hawk from which the scalp was taken was killed and taken in Davidson county; anyone swearing falsely in regard to such matters [shall] be guilty of perjury and shall be punished as provided for such offense by the laws of North Carolina.

Fees of clerk for affidavits.

SEC. 4. The clerk of the superior court shall be allowed ten cents for each affidavit of the bearer of a hawk's scalp and the same shall be allowed him by the board of county commissioners at their monthly meeting.

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 427.

## An act to pay George S. Leeper, colored, for teaching public school in Gaston county.

*The General Assembly of North Carolina do enact :*

Treasurer of Gaston county authorized to pay certain school claim.

SECTION 1. That the treasurer of Gaston county is hereby authorized to pay George S. Leeper (colored) twenty two dollars and forty five cents (\$22.45), due him for teaching a public school in school district number five, colored race, known as Fancy Hill, now in school district number one, colored race, out of any money now or that may hereafter be in treasury due said Fancy Hill school for colored race.

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 428.

An act to authorize the appointment of William P. Ledbetter, the surveyor of Anson county, deputy clerk of the superior court of Anson county.

*The General Assembly of North Carolina do enact:*

SECTION 1. That John C. McLauchlin, clerk of the superior court of Anson county, be and he is hereby authorized to appoint William P. Ledbetter deputy clerk of the superior court of Anson county notwithstanding the fact that said William P. Ledbetter is county surveyor for said county, and the said William P. Ledbetter is authorized and empowered to act as deputy clerk of the superior court of Anson county and at the same time hold the office of county surveyor for said county.

Clerk of court of Anson authorized to make certain appointment.

SEC. 2. That said William P. Ledbetter as deputy clerk of the superior court of Anson county shall take and file the oaths of office prescribed by law for deputy clerks of the superior court, excepting and leaving out of the oath prescribed for clerk of superior court in chapter forty eight (48), volume two of The Code the words: "I also solemnly swear that I do not directly or indirectly hold any other lucrative office in the state."

Deputy clerk appointed shall file oath.

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 429.

An act to provide for a stock law fence in a certain district in Beaufort county.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any owner of any mule, horse, swine, sheep, goat or cattle of any kind to permit the same to run at large upon the lands of any other within the district hereinafter described.

Owners of goat, swine etc., prohibited from allowing same to run at large.

SEC. 2. That this act shall apply only to that portion of Beaufort county lying on the south side of Pamlico river and on the east side of Durham's creek and beginning at the southwest corner of B. B. Ross' home farm and running northwardly to a road; thence with said road eastwardly to a canal at the gate of Mrs. O. A. Butt; thence down said canal to the northwest corner of the home farm of J. L. Butt; thence around the north and east side of the said J. L. Butt's home farm to the northern boundary of B. B. Ross' swamp farm; thence eastwardly across

Portion of Beaufort county to which applicable.

the lands of B. B. Ross, H. H. Ross, John Nobles and J. L. Butt to the northeast corner of J. L. Butt's swamp farm; thence southwardly to Dr. B. Stitley's northeast corner, and continuing southwardly to and around the east end of C. E. Tuten's land to O. K. Stitley's line and running with said line westwardly to W. B. Reddett's northeast corner and continuing westwardly with the southern boundary of C. E. Tuten's farm to and across B. B. Ross' land, known as the W. B. Winfield's land, to the southeast corner of T. C. Butt's farm, and with the southern and western boundary of the same to the southeast corner of A. Tuten's farm; thence westwardly with the various courses of A. Tuten's farm to the beginning.

Fence commis-  
sioners ap-  
pointed.

SEC. 3. That B. B. Ross, W. M. Butt, J. L. Butt, C. E. Tuten and George Williams be and the same are hereby elected fence commissioners, with power to contract with any person or persons to erect and maintain a good and lawful fence inclosing the district or territory described in section two (2), of this act, and to keep or cause to have kept the same in good repair, and have gates placed across public roads where necessary. The said commissioners shall hold their office for two years from the day this act goes into operation, and every two years thereafter the said five (5) fence commissioners shall be elected by the board of county commissioners, and the county commissioners shall fill all vacancies occurring from death or resignation or removal of any member of said fence commissioners.

Term of office of  
commissioners.

Duties of fence  
commissioners.

SEC. 4. That it shall be the duty of the said fence commissioners to report annually to the August meeting of the board of commissioners of Beaufort county the condition of the said fence and gates, the cost of building, maintaining or repairing the same for the preceding year and estimate and report what sum of expenditures are necessary to keep said fence and gates in good repair for the succeeding year. And it shall be the duty of the said board of county commissioners to levy a tax sufficient to meet such expenditures upon the lands lying within the boundaries of the said district or territory. Each acre of land to be valued alike and the taxes so levied shall be equal and collected by the sheriff of Beaufort county at the same time and in the same manner and under the same regulations as is now provided for the collection of state taxes, and he shall pay over the same, less the usual commissions, to the chairman of the fence commissioners.

Valuation of  
land.

Election of  
chairman.

SEC. 5. That the said fence commissioners shall elect one of their number as chairman, whose duty it shall be to receive all funds collected by the sheriff as is provided in this act and to pay out the same upon the order of the said fence commissioners and perform all other duties as may be prescribed by the said fence commissioners. That the said chairman shall execute a justified

bond in the sum of two hundred dollars, payable to the state on behalf of the said fence commissioners, conditioned upon the faithful performance of the duties of the said office. That the commissioners of Beaufort county may for cause remove the chairman of the said fence commissioners at any time.

Chairman shall execute bond.

May be removed.

SEC. 6. That if any live stock shall be found running at large within the said district and not on the lands possessed by the owner of said live stock it shall be lawful for any person living within the said district to take up and impound such live stock, and after five days' notice by any justice of the peace in that township may order a sale of the same for cash at public auction at some public place, and from the proceeds shall first pay all costs, including the expenses of impounding and keeping and feeding said live stock, and shall pay the surplus if any to the owner of such live stock: *Provided*, that if the owner of such live stock so impounded shall pay to the party impounding the same the sum of fifty cents per day on each head for such live stock then the same shall be released and delivered to the owner.

Impoundment of live stock.

SEC. 7. That it shall be unlawful for any person or persons to injure or destroy said fence and gates or for any person or persons to leave the said gates open. And any person or persons violating this section (seven) shall be guilty of a misdemeanor.

Injury to fence a misdemeanor.

SEC. 8. That before this act shall take effect the board of county commissioners of Beaufort shall order an election to be held at some place within the district described in section two (2) of this act on the first Monday in August, eighteen hundred and ninety-nine, at which election those entitled to vote shall cast a ballot written thereon the words "Stock law" if the voter is in favor of this act, and those who are opposed to the operation of this act shall cast a ballot written thereon the words "No stock law." And if a majority of the voters [votes] cast be for "Stock law" then this act shall at once be in force and effect with all of its provisions; but if a majority of the voters [votes] cast be for "No stock law" then this act shall be of no force and effect. All owners of land lying within the boundaries of the district described in this act shall be entitled to cast one ballot each.

Question of stock law shall first be submitted to voters of territory concerned.

Who shall be entitled to vote.

SEC. 9. That any person or persons violating any of the provisions of this act shall be guilty of a misdemeanor and fined or imprisoned at discretion of the court.

Violation of this act a misdemeanor.

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 430.

## An act to amend the charter of the Concord graded school.

*The General Assembly of North Carolina do enact :*

Election of school commissioners in town of Concord.

SECTION 1. That at the election next ensuing for graded school commissioners at the same time the aldermen and mayor for the town of Concord are elected there shall be elected by the qualified voters of said town six school commissioners, residents of said town, one from each ward and two at large, three of whom shall hold their office for two years and three for a term of four years, and every two years after said election there shall be elected in like manner three school commissioners, who shall hold their office for a term of four years and till their successors are elected and qualified.

Vacancies occurring in said board.

SEC. 2. Whenever a vacancy shall occur in said school board by death resignation or otherwise the school board shall have power to fill the same.

Portion of section 4 repealed.

SEC. 3. That so much of section four of said act as requires the mayor to countersign the warrants or orders of said school board is hereby repealed, and the treasurer of the town of Concord may pay out moneys in his hands belonging to the school fund on order or warrant, signed in the name of the "graded school board" by the chairman in his own proper signature, after first having been ordered and audited by said board at a regular or called meeting of the same.

Additional powers conferred on board

SEC. 4. That said "graded school board" in addition to the powers already conferred upon them shall have the right to make and adopt any rules, regulations or by-laws for the government or management of said school that they shall deem proper, not inconsistent with this act, and change the same at their will and pleasure.

Chapter 91, public laws of 1895, repealed.

SEC. 5. That chapter ninety-one of the public laws, eighteen hundred and ninety-five, and other acts inconsistent with this act, be and the same are hereby repealed.

Term of office.

SEC. 6. That the six school commissioners elected at the election in May, eighteen hundred and ninety-nine, shall cast lots among themselves to determine who of their number shall hold office for two years and who of their number for a term of four years.

[SEC. 7.] This act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1899.

## CHAPTER 431.

An act to amend chapter forty of the acts of eighteen hundred and ninety-five, regulating the holding of courts in Randolph county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter one hundred and forty of the acts of eighteen hundred and ninety-five be and the same is hereby amended by striking out of section one the following words in the third line: "On the third Monday in November" and insert in lieu thereof the words "on the first Monday in December and continue two weeks."

Chapter 140, acts of 1895, amended.

SEC. 2. This act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1899.

## CHAPTER 432.

An act to amend chapter four hundred and eleven, public laws of eighteen hundred and ninety-seven, in relation to Bethlehem church, in Pitt county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter four hundred and eleven, public laws of eighteen hundred and ninety-seven, and the section applying to Bethlehem church in Pitt county be amended by excepting from the operation of said act S. V. Joyner's store and C. D. Smith's store and all points lying between said stores and the town of Greenville.

Chapter 411, public laws of 1897, amended, as to sale of liquor in certain localities.

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 433.

An act to repeal chapter three hundred and fifty-two of laws of eighteen hundred and eighty-five.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter three hundred and fifty-two of the laws of eighteen hundred and eighty five be and the same are hereby repealed.

Auditor allowed \$500 instead of \$1 000 for extra clerical assistance.

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 434.

An act to make Runyon's or Snod's creek, in Beaufort county, a lawful fence.

*The General Assembly of North Carolina do enact :*

Certain territory in Beaufort county subject to stock law.

SECTION 1. That Runyon's or Snode's creek in Beaufort county, beginning at an old mill dam about one mile from Pamlico river, situated on and across Runyon's or Snode's creek and running down and with the meanderings of Runyon's or Snode's creek to Pamlico river be and the same is hereby declared a lawful fence.

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 435.

An act to amend chapter one hundred and forty-five of the public laws of eighteen hundred and ninety-seven.

*The General Assembly of North Carolina do enact :*

Chapter 145, public laws of 1897, amended.

SECTION 1. That chapter one hundred and forty-five of the public laws of eighteen hundred and ninety-seven be and is hereby amended by adding to section one thereof the words: *Provided*, nothing in this act shall prevent fishing with dutch, trap or pond nets in the waters of Neuse river on the Pamlico side of said river between the mouth of said river and Upper Broad creek not more than five hundred yards from the shore: *Provided further*, that any person fishing in said waters for marketing purposes as herein provided shall pay an annual tax of ten dollars to go to the general fund of Pamlico county.

Persons failing to pay tax guilty of a misdemeanor.

SEC. 2. That any person fishing in said waters for marketing purposes who shall refuse to pay the tax provided for in section one of this act shall be guilty of a misdemeanor and on conviction shall be fined not less than five nor more than fifty dollars or imprisoned not more than thirty days.

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 436.

## An act to restore concurrent criminal jurisdiction to the superior courts of Warren county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section two (2), chapter three of the public laws of eighteen hundred and ninety seven is hereby repealed in so far as it affects the county of Warren.

Section 2, chapter 3, public laws of 1897, repealed as it affects Warren county.

SEC. 2. That concurrent criminal jurisdiction be and the same is hereby restored to the superior courts of Warren county.

Criminal jurisdiction restored.

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 437.

## An act to establish a stock law in certain portions of Nash county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That from and after the first day of April, eighteen hundred and ninety nine, no person shall allow his or her live stock to run at large in that part of Nash county embraced in the following boundaries, viz: Beginning at a stake in the stock law line in Manning's township, Nash county, near the old Whitted place on the lands of Dr. William Edwards and running thence in a southern direction along the old path to the corner at W. G. Coppedge's fence; thence along the said fence on the west from said Coppedge's house in a southern direction to the corner of a small field of said Coppedge's on the west side to the southern corner of said field; thence in a southern direction in a straight line to the eastern corner of the Messrs. Savage fence; thence to the path (a straight line) leading to Spring Hope, North Carolina; thence along the western side of the path to Jordan Bowden's land; thence in a southern direction along the west side of the path leading to the Spring Hope road by Harry Watkins place to the said Spring Hope road; thence across said road; thence up the said road on the southern side to the old sawmill place, near Britton Woods' and on his land; thence a straight line to the northern end of said Woods' home field; thence around said field on the west side to the southern corner of said field; thence in a straight line to the northern corner on the west side of Miss Creekmore's field; thence along said field and fence to the southern corner; thence a straight line to the corner of J. H. Strick-

Stock law territory in portions of Nash county established.

Stock law territory.

land and C. W. Grandy's land; thence along the line between said Strickland's and Grandy's to the road leading from Webb's mill place to Spring Hope, North Carolina; thence along the north side of said road to James Jeffrey's fence at his home place; thence around the east side of said fence to the Raleigh road leading to Hunt's cross-roads; thence up said road towards Anderson's bridge to the fork which leads to Spring Hope; thence across the Raleigh road and up the west side of said road to the field at the old Taylor place; thence around said field to the corner on the south side of said field; thence in a straight line to the Franklin county line; thence along said Franklin county line to where the stock law fence now joins Mrs. Harriet Wheless' land; thence along said stock law fence in Nash county to the beginning on Dr. William Edwards' lands.

Chapter 20 of  
The Code shall  
apply to said  
territory.

SEC. 2. That chapter twenty, volume two of The Code, so far as it applies to stock law territories, shall apply to the territory herein described.

Appointment of  
fence commis-  
sioners.

SEC. 3. That the board of commissioners of Nash county shall at their first meeting after the passage of this act or at any meeting thereafter appoint three fence commissioners, whose duty it shall be to cause said territory to be immediately fenced in as required by law.

Vacancies occur-  
ring.

SEC. 4. That said fence commissioners shall from time to time fill such vacancies as occur by death, resignation or otherwise in their body.

Duties and pow-  
ers of fence com-  
missioners.

SEC. 5. That said fence commissioners shall do and perform all such acts and things as shall be necessary to comply with this act and as fence commissioners of any other fence law territory in North Carolina have a right to do and perform.

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 438.

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

*The General Assembly of North Carolina do enact:*

Commissioners of  
Caswell county  
authorized to  
levy special tax.

SECTION 1. That the board of county commissioners of Caswell county are hereby authorized and empowered to levy a special tax in the years eighteen hundred and ninety-nine (1899) and nineteen hundred (1900), 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

Maximum  
special tax.

in said levies, the said special tax being for the purpose of meeting the ordinary expenses of the county.

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.

When levied and collected.

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

Ratified the 6th day of March, A. D. 1899.

### CHAPTER 439.

#### An act to regulate the shooting of wild fowl in the waters of Carteret county.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter two hundred and sixty-six of the public laws of eighteen hundred and ninety three and chapter three hundred and ninety four of the public laws of eighteen hundred and ninety-one be and they are hereby repealed.

Chapter 266, public laws of 1893, and chapter 374, public laws of 1891, repealed.

SEC. 2. That it shall be unlawful for any person or persons to shoot wild fowl of any kind whatever from any battery or sneak boat on Sundays, Mondays, Wednesdays and Fridays of any week.

Shooting wild fowl on certain days a misdemeanor.

SEC. 3. That it shall be unlawful for any person or persons to hunt or shoot wild fowl with batteries or sneak boats before the first day of December of any year.

Hunting wild fowl with certain weapons before December 1st unlawful.

SEC. 4. That it shall be unlawful for any person to hunt or shoot wild fowl with fire or light after the hour of sunset and before the hour of daylight, or to use any gun other than can be fired from the shoulder.

Hunting wild fowl after sunset unlawful.

SEC. 5. That any person or persons violating any of the provisions of this act shall be guilty of a misdemeanor and punished by a fine of not more than fifty dollars and not less than ten, one-half of the fine to go to any person or persons furnishing sufficient evidence to convict.

Penalty for violation of this act.

SEC. 6. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 7. That the provisions of this act shall only apply to Carteret county.

Applicable only to Carteret county.

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 440.

## An act to regulate fishing in the waters of New Hanover county.

*The General Assembly of North Carolina do enact:*

Fishing between certain dates unlawful.

SECTION 1. It shall be unlawful for any person to fish any seine or net with less than one inch bar in the waters of the sounds of New Hanover county between the first day of January and the first day of July of each year, this section to be in force from and after the first day of January, nineteen hundred.

Fishing in certain waters unlawful.

SEC. 2. It shall be unlawful for any person or persons to haul a seine or net of any kind in the waters on the south or east side of Masonboro channel in the said county of New Hanover, state of North Carolina, from the mouth of Masonboro inlet up the said channel to a place known as "Cockle Shell Bite."

Obstruction of seine hauls unlawful.

SEC. 3. It shall be unlawful for any person or persons to put stakes or obstruct any seine haul in any manner in said waters.

Fishing within 300 yards of fisheries unlawful.

SEC. 4. It shall be unlawful for any person or persons to haul a seine or nets or pond fish within three hundred yards of any established fishery, except with the seines and nets used at the said fishery. An established fishery in the meaning of this act is one where there is a camp for the use of the hands and where the seine or nets and boats used by the said fishery are kept and where the said fishery was established prior to this act.

Violation of this act a misdemeanor.

SEC. 5. That any person or persons violating any provision of this act shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding ten dollars or imprisoned not exceeding twenty days for each and every offense.

Shall not apply to drop nets at night.

SEC. 6. The provisions of this act shall not apply to drop nets at night.

Applicable only to New Hanover county.

SEC. 7. That this act shall only apply to the sounds on the coast of New Hanover county.

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 441.

## An act to repeal chapter eighteen of the laws of eighteen hundred and eighty-three.

*The General Assembly of North Carolina do enact:*

Relating to protection of sheep and other domestic animals in Yancey county.

SECTION 1. That chapter eighteen (18) of the laws of eighteen hundred and eighty-three is hereby repealed.

SEC. 2. That this law shall go into effect from and after its ratification.

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 442.

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

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter three hundred and ninety-nine of the public laws of eighteen hundred and ninety-three be amended as follows: In section two insert after the word "into" in line one the words "a brigade of," and to strike out in line four the word "both" and insert in lieu thereof the words "the brigade." Change the period at the end of this section into a comma and add "who shall have the power to prescribe and appoint his own staff and prescribe the staff of the battalion commanders."

Relating to establishment of naval battalion of the North Carolina State Guard.

SEC. 2. That section three be amended by striking out the word "two" in line one and inserting therefor the word "three," and by striking out the word "four" in line five and inserting the word "three."

Section 3 amended.

SEC. 3. That section five be amended by striking out the words "each battalion" in line one and inserting the words "the battalion as now organized," and add at the bottom of this section "the commander-in-chief shall have the power to authorize additional officers and prescribe their work if the exigencies of the service demand."

Section 5 amended.

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 443.

An act to repeal chapter five hundred and forty-four of the laws of eighteen hundred and ninety-one, suspending the operation of chapter forty-nine of The Code of North Carolina in certain cases, and repealing certain provisions of other acts.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter five hundred and forty-four of the laws of eighteen hundred and ninety one, entitled "An act to suspend the operation of chapter forty nine of The Code of North Carolina in certain cases and to repeal certain provisions of other acts" be and the same is hereby repealed.

Chapter 544, laws of 1891, repealed.

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 444.

An act to authorize school districts to pay for making out tax lists of property listed for taxation in such district for special school purposes.

*The General Assembly of North Carolina do enact:*

Special school tax may be levied.

SECTION 1. That whenever any school district or part of a school district shall vote a tax to be levied and collected for special school purposes and such tax shall be levied accordingly, the school district so voting said tax or receiving the benefit thereof shall pay out of its funds upon proper warrant to the register of deeds for making out the tax lists the same rate of compensation that is allowed said register of deeds for making out the general tax lists.

Applicable only to Cherokee county.

SEC. 2. That this act shall apply only to the county of Cherokee and shall be so construed as to include all sums now due at the date of the ratification of this act for making out former tax lists for such school districts.

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 445.

An act authorizing the board of directors of the State's Prison to complete the Quaker Bridge road through the White Oak pocosin, in Onslow and Jones counties.

*The General Assembly of North Carolina do enact:*

Directors of State's Prison empowered to complete Quaker Bridge road.

SECTION 1. That the board of directors of the State's Prison be and they are hereby authorized at their discretion, if they deem the same to be the best interest of the state, to complete the Quaker Bridge road running through the White Oak pocosin, lying in Onslow and Jones counties, at an expenditure not to exceed the sum of two thousand five hundred dollars.

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 446.

**An act to authorize the commissioners of Person county to issue bonds to pay indebtedness of the county.**

*The General Assembly of North Carolina do enact :*

SECTION 1. That the county commissioners of Person county, for the purpose of paying the indebtedness of the county created for the necessary expenses of said county, are authorized and empowered to issue from time to time as they may deem best for the interest of said county bonds bearing interest at the rate of not exceeding six per centum per annum to an amount sufficient to pay the county indebtedness, not to exceed the sum of twenty thousand dollars, of the denomination of two and five hundred dollars respectively, at the discretion of the board of commissioners. The bonds shall have coupons attached representing the interest on said bonds, to fall due in semi annual installments on the first day of January and July of each year, bonds and coupons to be prepared under the supervision of the county commissioners, and the coupons thereon shall be receivable in payment of county taxes. The bonds shall be issued to run from thirty to fifty years, at the discretion of said commissioners.

Commissioners of Person county empowered to issue bonds to pay county debt.

Limitation to issue.

Interest on bonds, when due.

SEC. 2. That said bonds when issued shall be signed by the chairman of the board of county commissioners and countersigned by the clerk of the superior court of Person county and attested by his official seal, who shall be paid for said work and seal, not exceeding five dollars per day for time engaged in said work, and the board of commissioners of said county shall sell said bonds at not less than their par value.

Bonds, how signed.

SEC. 3. That in order to pay the principal and interest of said bonds as the same falls due the commissioners of said county may levy and cause to be collected annually as other county taxes are levied and collected a tax upon real and personal property, rights and credits now subject to taxation for general purposes, and upon all polls, not exceeding ten cents on the one hundred dollars worth of property and thirty cents on the poll, at all times preserving the constitutional equation.

Special tax may be levied to pay interest and principal.

SEC. 4. That upon an order made by said board of commissioners to issue said bonds they shall cause advertisement to be made in some newspaper published in Person county for four successive weeks, notifying all persons who hold county scrip or county bonds to file their said orders or bonds with the clerk of this board on or before a day therein named, and any person holding such scrip or bonds failing to comply with the said notice shall not have or collect any interest accumulating after such notice.

Notice shall be given to persons holding county scrip.

SEC. 5. That the commissioners may, after ten years from the

Interest on bonds shall cease after commissioners offer to buy same.

Record of sales, etc., shall be kept.

Bonds redeemed shall be destroyed.

date of said bonds, purchase said bonds or any part thereof at par value with accrued interest, and upon an offer to purchase personally or otherwise given to any holder of any such bonds the same shall not bear interest after such notice, and the substance of this condition shall be stated in the face of said bonds.

SEC. 6. That the commissioners shall provide a record which shall be kept by the clerk of the superior court and a copy by the treasurer of the county, in which shall be entered the name of any purchaser of a bond and the number and amount of the bond purchased. They shall also cause to be kept a record of the bonds and coupons redeemed annually and the bonds and coupons when redeemed and their redemption recorded shall be destroyed by fire in the presence of the board of commissioners by the clerk and under their direction, and the treasurer and sheriff each shall be notified of such redemption.

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

Ratified the 6th day of March, A. D. 1899.

#### CHAPTER 447.

An act to authorize and empower the speaker of the house to appoint three commissioners to represent the state of North Carolina at the Paris exposition in nineteen hundred.

*The General Assembly of North Carolina do enact:*

Speaker empowered to appoint three commissioners to Paris exposition

SECTION 1. That the speaker of the house of representatives shall appoint three commissioners to represent the state of North Carolina at the Paris exposition to be held in nineteen hundred, and shall confer upon them all of the privileges and powers usually conferred upon those who hold commissions of this kind. The commissions shall have affixed the seal of the state of North Carolina and [be] drawn under the authority of this act.

Vacancies occurring.

SEC. 2. The speaker shall have the right to fill any vacancy by resignation or otherwise.

Commissioners shall receive no compensation.

SEC. 3. That the commissioners shall not receive any pay from the state under this act.

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 448.

An act to change the time of holding the superior courts of Wilson county.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one, subdivision entitled "third district," of chapter one hundred and eighty of the laws of eighteen hundred and eighty-five, be amended by striking out ail of said section pertaining to Wilson county and inserting in lieu thereof "Wilson, fourth Monday before the first Monday in March, to continue two weeks; tenth Monday after the first Monday in March, to continue one week; tenth Monday after the first Monday in September, to continue two weeks."

Section 1, chapter 180 laws of 1885, amended.

SEC. 2. This act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1899.

## CHAPTER 449

An act to provide for the building and keeping in repair the public roads in Polk county.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the county commissioners of Polk county are hereby authorized and directed to ascertain the will of the qualified voters in said county on the question of building and keeping in repair the public roads by labor and taxation in the following manner, namely: That two petitions shall be prepared by the commissioners at their meeting the first Monday in March, eight hundred and ninety-nine, one for working the roads by labor and taxation and one against the same, and shall send into each township two petitions, one for and, one against, and that said petitions shall be circulated for the signatures 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.

Commissioners of Polk county authorized to ascertain will of voters on repairing roads.

Shall circulate two petitions for expression of sentiment.

Persons not qualified voters, signing, guilty of a misdemeanor.

SEC. 2. That said petitions shall be returned to the board of county commissioners on the first Monday in May, eighteen hundred and ninety nine, 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

When petitions shall be returned to commissioners.

present, and if it shall appear from a comparison and count of the names on said petitions that a majority have signed for labor and taxation the result shall be so declared by the board and a record made and filed in the office of the register of deeds. But if it shall appear that a majority have signed against labor and taxation the result shall be so declared, recorded and filed.

Announcement  
of result

Supervisors of  
townships shall  
be notified.

SEC. 3. In the event that a majority are for labor and 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 responsible 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 county commissioners after said sale of the roads.

Person bidding  
lot on road shall  
be appointed  
overseer for 12  
months.

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 repair all roads by him bid off under the same fines and penalties as are now prescribed by law for overseers of roads.

Supervisors em-  
powered to make  
changes in road.

SEC. 5. That the board of road supervisors of each township shall have the right at any time to make such changes in the grade of any road in their township when 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.

Special tax shall  
be levied on re-  
port of super-  
visors.

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, after allowing for the labor of those liable to road duty, 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: *Provided, however,* that said tax shall not exceed fifteen cents on each one hundred dollars worth of property and forty-five cents on the poll: *Provided further,* that the said poll tax shall not be levied on those liable to road duty. The said taxes are to be levied and collected in the same 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: *Provided, however,* that the special tax levied in each township shall be used only for the improvement of the roads in the township in which said tax is levied.

Proviso.

Limitation to  
road tax.

Proviso.  
Special tax shall  
be used only for  
road improve-  
ments.

Persons liable to  
road duty.

SEC. 7. That all male persons between the ages of eighteen and forty five years shall be liable to work on the public roads of the county for a period not to exceed four (4) days in the year, and

that the overseer is authorized and empowered to call out all such as are so liable in his section of the road: *Provided, however,* that three days' notice shall be given in each and every case: *Provided further,* that on the payment to said overseer of the sum of fifty (50) cents for each day shall excuse the person paying the same from working on the roads: *Provided further,* that any person liable to road duty may send in his stead an able-bodied substitute who shall be acceptable and approved by said overseer.

Notice shall be given.  
Payment of money in lieu of work.  
Proviso.

Persons liable to road duty may provide substitutes.

SEC. 8. All persons subject to taxation under this act may if they so desire work out the amount of their tax on the public roads in their sections under the supervision of the overseer at the rate of fifty (50) cents per day or by furnishing a substitute to be acceptable to and approved by said overseer.

Persons subject to taxation may work out tax.

SEC. 9. That this act shall not prevent the county commissioners from having any new roads laid off and otherwise constructed upon the petitions of the citizens in any locality or from using convict labor on the public roads.

Commissioners may order new roads laid off.

SEC. 10. All sections of chapter fifty of The Code of North Carolina relating to roads and all acts or parts of acts passed since eighteen hundred and eighty-three relating to roads, not in conflict with the preceding sections of this act, be and are hereby made a part of this act.

Chapter 50 of The Code made a part of this act.

SEC. 11. That this act shall be in force from and after its ratification.

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 450.

### An act to increase the number of commissioners for Lincoln county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That there shall be elected in the county of Lincoln at the general election to be held in the year nineteen hundred and every two years thereafter by the duly qualified electors thereof five persons to be chosen by the body of the county, who shall be styled the "board of commissioners for the county of Lincoln."

Five commissioners shall annually be elected for Lincoln county.

SEC. 2. That this act shall apply only to the county of Lincoln, and all laws and parts of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 451.

An act to authorize the secretary of state to furnish the clerk of the superior court of Clay county with certain volumes of supreme court reports.

*The General Assembly of North Carolina do enact:*

Secretary of state authorized to furnish clerk of Clay county superior court with certain supreme court reports

SECTION 1. That the secretary of state be and he is hereby authorized to furnish the clerk of the superior court of Clay county for the use of said county the following volumes of supreme court reports, to wit: Volumes sixty three to sixty seven inclusive.

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 452.

An act supplemental to an act entitled "An act relating to the department of agriculture, and taking from the board of commissioners of said department the power to contract for buildings."

*The General Assembly of North Carolina do enact:*

Provisions of certain act suspended until January 1st, 1901.

SECTION 1. That the provisions of an act relating to the department of agriculture and taking from the board of commissioners of said department the power to contract for buildings, ratified February eighth, eighteen hundred and ninety-nine, and number one hundred and fifteen on the file of the secretary of state, [chap. 45, ante,] be and the same are hereby suspended until January first, nineteen hundred and one.

SEC. 2. That this act shall take effect after the ninth day of March, eighteen hundred and ninety nine.

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 453.

An act to prohibit the throwing of sawdust in the waters of Swain, Henderson, Madison and Transylvania counties.

*The General Assembly of North Carolina do enact:*

Unlawful to throw sawdust in streams in Swain, Henderson, Madison and Transylvania counties.

SECTION 1. That it shall be unlawful for the owner, lessee, employee or any other person having charge of any sawmill in the counties of Swain, Henderson, Madison and Transylvania, to throw the sawdust of said mill or permit the same to go into any of the rivers, creeks, branches or other waters in said counties,

and any person violating the provisions of this act shall be guilty of a misdemeanor and upon conviction in the superior court of said counties shall be fined not less than fifty dollars nor more than two hundred dollars at the discretion of the court. 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: *Provided*, this act shall not apply to any sawmill propelled by water power. Conflicting laws repealed.

SEC. 3. This act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1899.

#### CHAPTER 454.

An act for the relief of John C. McLaughlin, clerk of the superior court of Anson county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That John C. McLaughlin, clerk of the superior court of Anson county, be and he is hereby exempted from the provision, of section one hundred and fourteen of The Code and from the liabilities and penalties mentioned in section one hundred and fifteen of The Code during the months of July and August, eighteen hundred and ninety nine and nineteen hundred: *Provided, however*, that during his absence he shall have a competent deputy. Clerk of court of Anson county allowed to absent himself from his office on certain days.  
Shall leave a deputy in charge.

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

Ratified the 6th day of March, A. D. 1899.

#### CHAPTER 455.

An act relating to the public schools of Buncombe county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the county board of school directors shall meet in the city of Asheville on the second Monday of March, eighteen hundred and ninety nine, and shall at said meeting perform all the duties prescribed in the act passed at this session of the general assembly, entitled "An act to revise and consolidate the public school law," to be performed on any day mentioned in said last-named act, and shall meet thereafter on the days mentioned in said act. County board of school directors authorized to meet in Asheville.

When county superintendent and township trustees shall enter office.

SEC. 2. That the township school trustees and the county superintendent of schools to be elected by said board of school directors shall enter upon the discharge of the duties of their offices immediately after their election on the said second Monday in March, eighteen hundred and ninety-nine.

When other officers shall enter on duties of office.

SEC. 3. That the school committee of each district and all other officers provided for in said act to revise and consolidate the "public school law" shall enter at once upon the discharge of the duties prescribed in said act and be clothed with all the powers therein granted.

Applicable only to Buncombe county.

SEC. 4. That this act shall only apply to the county of Buncombe.

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

Ratified the 6th day of March, A. D. 1899.

#### CHAPTER 456.

##### An act to protect the public roads of Camden county, N. C.

*The General Assembly of North Carolina do enact :*

Persons damaging roads hauling timber shall repair same.

SECTION 1. That any person or persons hauling timber with carry logs, log wagons or lumber carts upon the public roads of Camden county are hereby required to repair and put in good condition all such roads that they may damage and to repair all bridges that they may damage or break down.

Violation of this act a misdemeanor.

SEC. 2. That any person violating the provisions 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 ten days.

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

Ratified the 6th day of March, A. D. 1899.

#### CHAPTER 457.

##### An act to amend section three thousand four hundred and forty-five of The Code.

*The General Assembly of North Carolina do enact :*

Section 3445 of The Code amended.

SECTION 1. That section three thousand four hundred and forty-five of The Code be amended by striking out all after the word "shall" in line nine (9) down to and including the word "behavior" in line nineteen (19) and by inserting in lieu thereof the follow-

ing: "For each month be entitled to a diminution of five days from the term of his or her sentence."

SEC. 2. That section one of chapter three hundred and seventy-nine of the public laws of eighteen hundred and eighty-five be and it is hereby repealed. Section 1, chapter 379, public laws of 1885, repealed.

SEC. 3. That all laws in conflict with this act in so far as they conflict with this act are repealed, and this act shall be in force from and after its ratification.

Ratified the 6th day of March, A. D. 1899.

#### CHAPTER 458.

An act to establish a school district out of part of Ashe and Alleghany counties.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the hereinafter described territory, being a portion of Ashe and Alleghany counties, shall become, be and remain a school district for the two counties: Beginning in the Virginia state line and west bank of New river and running thence west with said state line to the J. F. Green old brick store house; thence down and with Grassy creek so as to include Mrs. Riley Blevin's residence to the mouth of said creek; thence down and with New river to first station. School district established.

SEC. 2. That said district shall receive its pro rata share of the public school fund from each of said counties according to the number of children of school age and entitled to the benefit of the public free schools living in said district and within each of said counties. Shall receive pro rata share of public school fund.

SEC. 3. That the portion of said district lying in each county respectively shall be governed by the laws of the county and its officers in which it lies except that it shall belong to this district, hereinbefore laid out, and receive and use its school funds in said district. How governed.

SEC. 4. That this act shall be in force from and after the first day of May, eighteen hundred and ninety-nine.

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 459.

## An act to establish Mars Hill township in the county of Madison.

*The General Assembly of North Carolina do enact :*

Mars Hill town-  
ship created.

SECTION 1. That precinct number two of township number three, called Bull Creek township, as laid out by the board of commissioners of Madison for such precinct, is hereby established and created a separate township, with all the powers and liabilities of townships of the state of North Carolina created under The Code, which township shall be known as the Mars Hill township and number fifteen.

SEC. 2. This act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1899.

## CHAPTER 460.

## An act to amend the charter of Concord.

*The General Assembly of North Carolina do enact :*

Defendants fail-  
ing to pay fine  
may be worked  
on roads.

SECTION 1. That in all cases where a defendant is adjudged to pay a fine or cost or either and failing to pay the same it shall be lawful for the mayor to adjudge that such person be confined in the jail of Cabarrus county for a term not exceeding thirty days, and that they be worked during the period of their confinement on the streets of Concord or other public works of said town or on the public roads or other public works of Cabarrus county till, at fair and reasonable wages, they shall have paid such fine or costs or both.

Fees of policemen  
for making  
arrest.

SEC. 2. In all cases where a defendant is found guilty of violating any ordinance of said town the policeman or officer making the arrest shall be allowed one dollar for making the arrest, to be paid by the defendant so found guilty, and in all cases tried before the mayor for a violation of an ordinance of said town the mayor shall be allowed one dollar for each defendant so tried by him, to be paid by the defendant in case of conviction and by the town of Concord in cases where defendant is found not guilty.

Mayor's fees.

Jurisdiction of  
mayor.

SEC. 3. That whenever a defendant or other person shall be adjudged to be imprisoned by the mayor of said town it shall be competent for said mayor to sentence such persons to imprisonment in the county jail of Cabarrus for a term not exceeding thirty days, and to adjudge also that such persons work during the period of their confinement on the public streets or on the

public works of the city or on the public works or public roads of the county of Cabarrus.

SEC. 4. That at the election in May, eighteen hundred and ninety-nine, and every two years thereafter, there shall be elected by the qualified voters of said town a mayor and two commissioners or aldermen from each of the four wards by the qualified voters of the respective wards, all of whom shall be residents of said town and who shall hold their office for two years and till their successors are elected and qualified.

Biennial election of mayor and aldermen.

SEC. 5. That chapter ninety-four of the private laws of eighteen hundred and ninety seven be and the same is hereby amended by adding at the end of section two (2) the following: On all persons or firms who buy, sell or trade horses or mules as a business for profit and on all express or telegraph companies an annual tax not exceeding twenty dollars.

Chapter 94, private laws of 1897, amended.

[SEC. 6.] That all laws in conflict with these amendments are hereby repealed.

Conflicting laws repealed.

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

Ratified the 6th day of March, A. D. 1899.

#### CHAPTER 461.

**An act to permit judgments by default at any criminal term of Durham superior court.**

*The General Assembly of North Carolina do enact :*

SECTION 1. That a judgment by default final or a judgment by default and inquiry may be taken at any criminal term of Durham superior court in the same manner and subject to the same laws, conditions and provisions governing civil terms of the court.

Judgments by default, to what subject.

SEC. 2. That any and all judgments, orders and decrees heretofore taken at any such criminal term as [are] hereby made and declared valid and effectual: *Provided*, the same would have been valid at a civil term of said court.

Judgments and decrees heretofore taken validated.

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 462.

An act to amend section six of chapter two hundred and thirty-five, laws of eighteen hundred and eighty-nine.

*The General Assembly of North Carolina do enact :*

An act providing for better drainage of lands in Rutherford county. Land owners shall be assessed one hand for every \$1,000 of property.

SECTION 1. That section six of chapter two hundred and thirty five of the public laws of eighteen hundred and eighty-nine be amended as follows: In line five of said section strike out the words "five hundred" and insert "one thousand"; also strike out the eighth line of said section.

SEC. 2. This act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1899.

## CHAPTER 463.

An act supplemental to an act ratified at the present session of the general assembly. "An act to provide a short form for agricultural liens and to prescribe the fees for probating and registering the same in Johnston, Iredell and Columbus counties."

*The General Assembly of North Carolina do enact :*

Amended

SECTION 1. That an act heretofore ratified at this session of the general assembly, entitled "An act to provide a short form of agricultural liens and to prescribe the fees for probating and registering the same in Johnston, Iredell and Columbus counties" be amended by striking out in section two, and in the form of crop lien set out in section two, the word "property" where it first appears in said form, it being between the words "following" and "land" in said form.

SEC. 2. This act shall be in force from its ratification. Ratified the 6th day of March, A. D. 1899.

## CHAPTER 464.

An act to appoint additional justices of the peace in and for Edgecombe county.

*The General Assembly of North Carolina do enact ;*

Justices of the peace for Edgecombe county. Term of office.

SECTION 1. That the following-named persons be and they are hereby appointed justices of the peace for their respective townships in Edgecombe county for a term of six years, beginning April first, eighteen hundred and ninety-nine, to-wit:

Township number one—R. A. Watson, S. E. Speight, John W. Charles.

Township number two—John Walston, Hugh Shelton, E. C. Knight.

Township number three—Thomas L. Mayo, H. H. Hyman, John L. Cherry.

Township number four—V. B. Knight, J. M. Howell, B. B. Howell.

Township number five—J. J. Pitman, W. C. Bradley, John D. Hargrove.

Township number six—W. D. Ruffin, W. H. Cobb, R. H. Speight.

Township number seven—H. B. Bryan, J. K. Lawrence, F. M. Rawlings.

Township number eight—J. J. Hearne, S. R. Moore, Wesley Hearne.

Township number nine—Amos Harrell, W. S. Crisp, W. T. Lewis.

Township number ten—R. E. Pitt, J. E. Cobb, J. W. Forbes.

Township number eleven—George Dawson, Ashly Wiggins, Robert Sugg.

Township number twelve—Ed. Gorham, J. B. Lancaster, J. L. Brake.

Township number thirteen—Frank Cherry, B. P. Jenkins, Walter Brown.

Township number fourteen—A. J. Batchelor, J. H. Dought-ridge, Redden Moore.

SEC. 2. That the clerk of the superior court of the county of Edgecombe shall notify the several persons hereby elected and appointed justices of the peace of their election on or before the twentieth day of March, eighteen hundred and ninety-nine, and the said justices of the peace so appointed shall qualify before the clerk of the superior court of said county on or before June first, eighteen hundred and ninety-nine.

Clerk of court shall notify said appointees.

SEC. 3. The justices of the peace herein named shall not be furnished with books at the expense of the state or county.

Shall not be furnished with books at expense of state or county. Conflicting laws repealed.

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

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 465.

## An act to prohibit fishing in the mouth of Frying Pan creek in Tyrrell county.

*The General Assembly of North Carolina do enact :*

Relating to fishing in Alligator river, Tyrrell county.

SECTION 1. That it shall be unlawful for any person to fish any pound net, gill net, seine or nets of any kind in Alligator river within one mile of the mouth of Frying Pan creek in Tyrrell county.

Violation of this act a misdemeanor.

SEC. 2. That any person violating this act shall be guilty of a misdemeanor and punished by a fine of not more than one hundred dollars nor less than twenty-five dollars in the discretion of the court.

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 466.

## An act to establish a stock law in all that portion of North Whitaker's township, Nash county, not now covered by stock law.

*The General Assembly of North Carolina do enact :*

Stock law territory in Nash county.

SECTION 1. That all that part of North Whitaker's township, Nash county, not now included in the stock law territory shall be included therein, and from and after the first day of April, eighteen hundred and ninety-nine, no person shall allow his or her live stock to run at large in any part of North Whitaker's township.

Fence commissioners shall extend fence.

SEC. 2. That as soon after the passage of this act as possible the fence commissioners of the stock law territory in which that portion of North Whitaker's is already embraced shall extend the fence law so as to embrace the whole of North Whitaker's township.

Laws to which said territory is subject.

SEC. 3. That said territory when so surrounded by said fence shall be subject to the laws which now govern that portion of said township already under the stock law.

Conflicting laws repealed.

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

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

Ratified the 6th day of March, A. D. 1899.

CHAPTER 467.

An act to provide for the election of county commissioners for Johnston county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the board of commissioners of the county of Johnston shall be composed of five persons. Commissioners of Johnston county composed of five persons

SEC 2. That at the next general election held in the state and biennially thereafter there shall be elected by the qualified voters thereof five persons to constitute the board of commissioners of Johnston county, who shall have all the powers conferred on county commissioners by law. Five commissioners shall be elected at next general election.

SEC. 3. That this act shall be in force from and after July first, nineteen hundred.

Ratified the 6th day of March, A. D. 1899.

CHAPTER 468.

An act to authorize Monroe township in Union county to issue bonds for the improvement of the public roads of said township.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the commissioners of Union county, for the purpose of laying out, establishing, grading, macadamizing and improving the public roads and thoroughfares of Monroe township in the county of Union are authorized and empowered to issue bonds bearing interest at a rate not to exceed six per centum per annum to the amount of thirty thousand (\$30,000) dollars, ten thousand of which shall be of the denomination of five hundred dollars each and twenty thousand of which shall be of the denomination of one thousand dollars each, to each and every of which said bonds shall be attached the coupons representing the interest on said bonds, which said coupons shall be due and payable on the first day of January of each and every year until said bonds shall mature, and shall be paid at the office of the treasurer of Union county, in Monroe, North Carolina. Commissioners of Union county authorized to issue bonds for road improvements.

The bonds so issued by the said commissioners shall be numbered consecutively from one to forty 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 taxes levied under this act. The bonds shall run for a pe- Amount of bonds.

Where interest and principal payable.

When bonds mature.

riod of thirty years, and after ten years one twentieth of said bonds may be redeemed before maturity as hereinafter provided. The said bonds so issued by the commissioners of Union county shall be paid by Monroe township in Union county, and shall not be chargeable against any other property or polls of citizens of the county which lies outside of said township.

Bonds, how issued

SEC. 2. That the said bonds shall be issued under the signature of the chairman of the board of county commissioners of Union county, attested by the official seal and signature of the register of deeds of Union county, and the chairman of the board of county commissioners shall under the direction of the county commissioners dispose of said bonds as the necessity for the prosecution of the laying out, establishing, grading, macadamizing and improving the public roads and streets of the said Monroe township may require at a sum not less than their par value: *Provided*, that if the said bonds can be sold at or above their par value at a rate of interest not exceeding five per centum per annum it shall be the duty of the said chairman of the board of commissioners to so sell them: *Provided further*, that the said bonds shall be issued and sold only as the funds are needed for the purpose indicated herein.

Disposition of bonds.

Proviso.

SEC. 3. That for the purpose of paying the interest as it falls due on said bonds it shall be the duty of the county commissioners to levy and cause to be collected annually as other county taxes are levied and collected for ten years after the issue of the bonds or a part thereof a tax upon the real and personal property of Monroe township in Union county not exceeding twenty cents on the one hundred dollars worth of property and sixty cents on the poll of persons in said township liable for poll tax, and at the end of ten years it shall be the duty of the commissioners of Union county for the purpose of paying the interest on said bonds and providing a sinking fund for their redemption to levy and cause to be collected annually as other county taxes are levied and collected a tax upon the real and personal property of Monroe township, Union county, not exceeding thirty cents on the one hundred dollars worth of property and ninety cents on the poll of persons in said township liable to poll tax.

Proviso.

Funds arising from said bonds shall be used only for purpose indicated. Special tax may be levied to pay interest and principal.

Maximum special tax.

SEC. 4. That in order that the commissioners of Union county acting for Monroe township may use the excess of the fund raised by taxation under this act, after paying the annual interest accrued on said bonds they are authorized and empowered to purchase annually after ten from the issue of said bonds one twentieth of all the bonds issued at a sum not exceeding their par value, and in case no holder of said bonds shall offer to sell one twentieth of them then the said commissioners are authorized and required to designate such bonds not exceeding one twentieth

Commissioners acting for Monroe township may invest excess in bonds.

of the whole number issued as they may desire to purchase; and after the designation of such bonds and a notice thereof given through a newspaper published in Union county, if the holder of the bonds neglect or refuse to surrender the same and receive their par value with interest accrued thereon at the time of such notice, then the holder shall not receive any interest subsequently accruing: *Provided*, the said bonds shall be affected with the conditions of this act only when the conditions are expressed upon the face of the bonds.

Holders of bonds called in, and refusing to surrender same shall not receive interest therefor.

SEC. 5. 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 and the amount received for said bond. 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.

Commissioners shall provide record of sales, etc.

SEC. 6. That the funds derived from the sale of the bonds heretofore provided for shall be placed in the hands of the county treasurer and shall by him be kept separate and apart from other moneys in his hands, and shall be paid out only upon the order of the county commissioners, whose clerk shall sign all orders so drawn on the treasurer by order of the said commissioners. The county treasurer shall execute a good and sufficient bond in a penal sum double the amount of money placed in his hands for road purposes in Monroe township, conditioned for the faithful accounting for all such moneys received by him, and for the faithful performance of such other duties as are devolving on him as treasurer of said fund. The treasurer shall be allowed as full compensation for his services under this act one per centum of all moneys disbursed by him under the order of the said commissioners. The amount of his bond shall be fixed by the said commissioners and shall not be less than ten thousand dollars, but must be as large in the penal sum as will make it double the amount of money received by him. The said bond shall be accepted by the county commissioners when approved by the said commissioners, and shall be recorded and kept as the bonds of other county officers are required to be kept. The said clerk of the board of commissioners for Union county shall keep a separate order book with stubs, on which he shall enter a memorandum of each order drawn, showing the payee, the amount paid and for what purpose it was paid.

Said funds shall be kept separate and apart from other funds.

Treasurer shall execute sufficient bond.

Compensation of treasurer.

SEC. 7. That the board of commissioners of Union county shall use the funds derived from the sale of bonds, in laying out, establishing, grading, improving and macadamizing the public roads of Monroe township by working the convict labor assigned to

Funds derived from said bonds, how used.

work on the public roads or such other labor of convicts as they may be able to obtain, either by direct sentence from the several courts of the state or from the penitentiary authorities. That for the purpose and intent of this act the penitentiary authorities of the state of North Carolina are authorized to contract with the county commissioners of Union county to furnish such a number of convicts, not less than twenty five, as the said commissioners can advantageously work on the public roads of said Monroe township, charging therefor so much as shall be sufficient to indemnify the state or penitentiary from loss on account of such contract.

Penitentiary authorities may contract with commissioners for 25 convicts.

Commissioners shall use machinery now employed by chain gang.

SEC. 8. That the board of county commissioners of said county shall use the machinery now employed by the "chain gang" force in Monroe township for the purpose of working the said roads of the township, and shall have power and authority to purchase such additional machinery, tools, stock, material or other appliances necessary for the prosecution of the working, improvement of the public roads as they may deem proper.

Chairman of commissioners appointed road commissioner for Monroe township.

SEC. 9. That the chairman of the board of county commissioners shall be road commissioner for Monroe township, and under the direction of the board of commissioners shall direct the laying out, establishing, grading, macadamizing and improving the public roads and streets into which the said public roads enter coming into the town of Monroe to the public square on which is located the county court house: *Provided*, he shall not alter or change the location of any street in the town of Monroe without the consent of the board of aldermen of the city of Monroe: And *provided further*, that in working the public streets leading from the public roads to the public square he shall consult with the street commissioners of the town of Monroe and act under their direction and not with the board of commissioners. That the said road commissioner shall cause all roads constructed under this act to be not less than twenty four feet nor more than thirty-four feet wide, and one-half of said roads shall be macadamized as expeditiously as is practicable, and the said roads shall be established as straight as practicable without incurring too great cost in making them so. The road commissioner shall employ a superintendent of the "chain gang" and all necessary guards and other necessary employees for the care, protection and management of the convict force, prescribe their duties, remove them at any time for cause, neglect of duty, inefficiency, intoxication or other cause, in the performance of which he shall be subject to the approval of the board of county commissioners. And whenever from any cause the road commissioner shall be unable to discharge the duties devolving upon him it shall be done by the superintendent appointed by him, who shall report all action

Duties of said commissioner.

Proviso.

Width of roads.

Superintendent of chain gang shall be appointed.

taken by him in the absence of the road commissioner to the board of the county commissioners.

SEC. 10. That for the purpose of laying out or establishing any public road in said township and for working and grading it the road commissioner shall have the right to enter upon the land or lands of any person over whose land the said road shall be laid out or over which it has been laid out, and open the road, remove dirt, earth, stone or other material therefrom with as little injury as possible thereto, and he may agree with the owner or owners as to the damage done, and the damages so agreed on by them in writing shall be presented to the board of commissioners for payment, and when approved by the commissioners shall be paid by the treasurer out of the road fund for said township. In case the said superintendent and owner can not agree or the commissioners shall not approve the agreement between the superintendent and the owner, then the superintendent and owner shall each select a man to act as arbitrator and the two thus elected shall select an umpire, who shall assess the damages, the three being present, two of whom shall agree on an award in writing, and from the award thus made either party considering himself injured may appeal to the superior court of Union county: *Provided*, the costs accrued to the time of appeal shall be paid, which shall be recovered by him, if successful on appeal.

Road commissioner shall enter on lands for laying out roads.

Assessors of valuation of land may be appointed.

Either party may appeal.

SEC. 11. That this act shall not be construed so as to repeal the general road law for the working of the public roads in Monroe township, except that the overseers of the public roads appointed by the supervisors of Monroe township shall work and keep in repair the public roads in said township to which they and their hands shall be assigned and on which the chain gang shall have done work under the direction of the road commissioner.

Act shall not be construed to repeal general road law.

SEC. 12. That it shall be the duty of the county commissioners to employ a physician to attend upon the sick convicts worked on the public roads of said township, who shall give them all needed medical attention and prescribe such medicines and remedies as shall be necessary for them.

Physician shall be employed to attend to convicts.

SEC. 13. That it shall be the duty of any judge of the superior court holding court in the county of Union to sentence all convicts not punished by a fine to work on the public roads of Monroe township whenever such person may be sentenced to work on the public roads under the laws of the state, and any judge of a criminal or superior court may sentence convicts from other counties where such courts are held by them whenever the commissioners of Union county shall make application for them to be sentenced to work on the roads of Monroe township.

Convicts may be sentenced to roads.

SEC. 14. That so much of chapter two hundred and thirty one of the public laws of eighteen hundred and ninety seven being

Portions of chapter 231, public laws of 1897, repealed.

an act to improve the roads in Union county by taxation as is in conflict with this act or refers to Monroe township in Union county be and the same is hereby repealed.

Question of bonds shall be first submitted to qualified voters.

SEC. 15. That the said board of commissioners of Union county shall not issue the bonds hereinbefore provided for or any part thereof, nor shall this act be in force as to any part of it until the commissioners shall have first submitted to the qualified voters of Monroe township at an election to be held for that purpose the question of a ratification or rejection of this act, which they are authorized to do at such time as they may deem proper for best securing the voice of the people in said township upon the question; and if at said election, which shall be held in the same manner as elections for county officers a majority of the qualified voters shall vote in favor of "Ratification," then the commissioners may issue said bonds and this act shall be in full force and effect, but if a majority of such qualified voters of the township do not favor "Ratification," or shall vote in favor of "Rejection," then the said commissioners shall not issue said bonds and chapter two hundred and thirty one of the laws of eighteen hundred and ninety-seven shall remain in force from and after its ratification.

Form of ballot.

New registration may be had.

SEC. 16. That the county commissioners may, if in their opinion it shall be necessary to secure a fair and impartial election, order a new registration of the qualified voters of Monroe township to determine the question of a ratification or rejection of this act.

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

Ratified the 6th day of March, A. D. 1899.

#### CHAPTER 469.

An act to regulate the time of holding the superior courts of Cabarrus and Montgomery counties.

*The General Assembly of North Carolina do enact:*

Cabarrus courts,

SECTION 1. That the county of Cabarrus in the eighth (8th) judicial district shall have four (4) courts a year, beginning as follows: On the sixth Monday before the first Monday in March, to continue two weeks; on the seventh Monday after the first Monday in March, to continue one week; on the sixth Monday before the first Monday in September, to continue two weeks; on the sixth Monday after the first Monday in September, to continue one week.

SEC. 2. That chapter two (2), public laws of eighteen hundred and ninety-seven (1897), be amended of [as] follows: Strike out line five (5) of section one (1) and insert in the lieu thereof the following: "On the sixth Monday after the first Monday in March."

Chapter 2, public laws of 1897, amended.

SEC. 3. Process of all kinds which have been or may be made before the ratification of this act, returnable to the term beginning on the sixth Monday before the first Monday in September are hereby made returnable to the term beginning on the seventh Monday after the first Monday in March eighteen hundred and ninety-nine.

Processes heretofore made, when returnable.

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

Conflicting laws repealed.

SEC. 5. That the secretary of state is directed to furnish copies of this act to the clerks of said courts immediately upon its ratification.

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

Ratified the 6th day of March, A. D. 1899.

#### CHAPTER 470.

An act to appoint additional magistrates for Lenoir county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That J. T. Haskins, E. E. Rouse, Jessie Wood, Faling Creek township, Lenoir county, be appointed justices of peace for term of two years, April first, eighteen hundred and ninety-nine.

Justices of the peace appointed for Lenoir county.

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

Ratified the 6th day of March, A. D. 1899.

#### CHAPTER 471.

An act to establish the eastern district criminal court.

*The General Assembly of North Carolina do enact :*

SECTION 1. That courts of record to be called the eastern district criminal court are hereby established for the following counties: Mecklenburg, New Hanover, Edgecombe, Robeson, Halifax, Cumberland, Craven, Nash, Warren and Wilson and Northampton, to be held in the court-house of the respective counties as the superior courts are held.

Counties composing eastern district criminal court.

Powers of said court.

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

Exclusive original jurisdiction in certain offenses.

SEC. 3. That the said courts shall have exclusive original jurisdiction to inquire of, hear and try all crimes, misdemeanors and offenses committed in the counties of Mecklenburg, New Hanover, Edgecombe, Northampton, Robeson, Halifax, Cumberland, Craven, Nash, Warren and Wilson respectively and to the same extent as the superior courts of the state.

SEC. 4. That said court shall have all jurisdiction vested in the superior courts to try all crimes and offenses originating within the said counties of Mecklenburg, New Hanover, Edgecombe, Robeson, Halifax, Cumberland, Craven, Nash, Warren and Wilson respectively, and to give judgment and to award execution therein and for the recovery of all fines and forfeitures, and that the process, pleading, practice and mode of proceeding shall be the same in said courts as prevails in the superior court of the state in such cases as aforesaid.

Appeals from said courts shall lie in superior court.

SEC. 5. That appeals from the said courts in said respective counties shall lie to the superior courts respectively only on matters of law or legal inference, and the statement of case on appeal in such case to said superior court shall be made and perfected in like manner and under the same rules and regulations as appeals from the superior courts of the state to the supreme court:

Proviso.

Nothing in this act shall require that case be printed on appeal.

*Provided*, that nothing in this act shall be construed as to require the printing of the case on appeal from the criminal to the superior court. The said appeal shall be heard by the judge of the superior court riding the district in not less than twenty days from the day of adjournment of the court at which such appeal may be taken. That said appeal shall be heard by the judge at chambers, and in case the judgment of the said criminal court is affirmed the same shall be certified to the clerk of the criminal court, and the sentence before made shall go into immediate effect as now provided by law in case the supreme court affirms the judgment of the superior court. That in case of appeal to the judge of the superior court the solicitor of the criminal court shall appear and prosecute for the state, and if the decision of the said criminal court shall be affirmed shall be allowed five dollars (\$5) for each offense in case of misdemeanors, ten dollars (\$10) in case of felony other than capital, and twenty dollars (\$20) in case of capital felonies. That in all criminal appeals taken from the courts of the justices of the peace to the superior courts of the respective counties aforesaid, the solicitors to be appointed and elected under this act shall appear and prosecute for the state, and shall in case of conviction be entitled to the same fees as for convictions in the superior courts of said counties. That in all

Solicitor of criminal court shall prosecute cases on appeal.

Fees of solicitor.

criminal appeals taken from the courts of justices of the peace and which are certified to and docketed in the criminal courts of the respective counties aforesaid, the solicitor to be appointed and elected under this act shall appear and prosecute for the state, and shall, in case of conviction, be entitled to the same fees as for convictions in the superior courts of said counties; and if no exception is taken before entering upon the trial of any appeal certified to and docketed in the criminal courts of the respective counties aforesaid, the same shall be deemed a waiver of the trial of the said criminal cause in the superior courts of the respective counties aforesaid. That all appeals shall lie from the superior court to the supreme court as now provided by law for offenses originally tried in the superior courts and appealed to the supreme court.

Appeals from superior court to supreme court.

SEC. 6. That in case an appeal is taken from the judgment of the said criminal court for any of the counties aforesaid to the judge of the superior court riding the district on any question of law or legal inference and the said judge shall reverse or modify the decision of the criminal court from which the cause was appealed, that the state or the prisoner or prisoners as the case may be shall be entitled and allowed to appeal directly to the supreme court from the decision of any such judge as aforesaid, and the appeal to the supreme court shall be made up in such manner as appeals are made up as now provided for offenses originally tried in the superior courts of the state and appealed to the supreme court. That in case of appeal from the criminal court to the judge of the superior court riding the district on any question of law or legal inference and said judge shall reverse the decision of the criminal court from which such appeal was taken and no exception was taken to the judgment of the said judge of the superior court and no appeal is taken to the supreme court, the same shall be certified to the clerk of the criminal court, and in case a new trial is granted shall be docketed in the criminal court from which appeal was taken, and shall be heard and tried at the next term of the criminal court.

State or defendant may appeal from superior court in certain cases.

Shall be certified to clerk.

SEC. 7. That there shall be one judge for the said eastern district criminal court, who shall preside over the said courts and who shall be appointed and elected by the general assembly of North Carolina, and who shall receive as compensation for his services the [sum] of two thousand seven hundred and fifty dollars (\$2,750) per year, to be paid by the treasurer of the state of North Carolina on the warrant of the auditor out of any money not otherwise appropriated; and said judge shall take the oath prescribed for judges of the superior court and shall hold his office for the term of four years or until his successor is duly ap-

Judge of said court how elected.

Compensation.

Judge shall take oath.

Term of office.

pointed and elected, unless removed from office as in the next section provided

Judge may be removed from office for cause.

SEC. 8. The said judge may be removed from office for the same causes and in the same manner as the judges of the superior court, and all vacancies in said office shall be filled by the appointment of the governor, and the person so appointed shall hold his office until the next general assembly which shall appoint and elect his successor: *Provided*, that the general assembly now in session shall elect a person to fill the vacancy in said office created by the ratification of this act.

Powers of said judge.

SEC. 9. That the judge of said court shall be a conservator of the peace within said counties and shall have all the powers of the several judges of the superior courts of the state to hear and determine all criminal causes arising within said counties and the like power to issue warrants or precepts for the arrest of criminals anywhere within the limits of the state, administer oaths, issue writs of habeas corpus and hear and determine the same after the same manner as judges of the superior court.

Solicitor to be appointed by judge.

SEC. 10. There shall be a solicitor for the said criminal court of Mecklenburg county who shall be appointed by the judge of said court, but not until hereinafter provided, and who shall hold his office for the term as same as superior court solicitor of the state. That the solicitors for the criminal courts in counties named in this act shall be the same as the solicitors of the superior courts of those districts respectively comprising such counties, and shall perform all the duties required of them as solicitors of the superior courts in respect to the criminal courts and be liable to all penalties and receive the same compensation of fees as is provided for solicitors of the superior courts. Should

Duties of solicitors.

any vacancy occur by the death, resignation, refusal to accept or removal from office of said solicitors or otherwise the judge shall have the power to appoint a solicitor for said counties named in this act, and the person so appointed by the judge of this court shall hold his office for the unexpired term of his predecessor and until his successor has qualified. The duties of the solicitors shall be the same in respect to criminal matters arising in the said counties for which he is chosen as those prescribed by law for the solicitors of the several superior court districts of this state, and he shall take a similar oath of office and be removed for the same causes and in like manner as the solicitors of the several superior court districts of the state. The judge and solicitor when duly appointed and elected as herein provided shall be commissioned by the governor in like manner as the judges and solicitors of the superior courts: *Provided* that no solicitor for Mecklenburg county shall be appointed under this act until the

Vacancies occurring.

Duties of solicitors in respect to criminal matters.

Judge and solicitor shall be commissioned by governor.

term of office of the solicitor of the district in which Mecklenburg county is situated has expired by limitation, death or otherwise.

SEC. 11. Said solicitor of Mecklenburg when so appointed and elected shall at least once in four months make an examination of the office of the register of deeds and of the clerk of the superior court of Mecklenburg county in the presence of the respective officers, and the said register of deeds and clerk of the superior court shall furnish every facility to enable the solicitor to make such examination for the purpose of ascertaining whether inventories, wills, deeds, bills of sale, official bonds mortgages and all other papers required or allowed to be recorded or registered have been duly recorded and registered and properly indexed, and also whether the several dockets and records of papers of the different courts, including justices of the peace, have been kept and filed in proper manner and as required by law. That the aforesaid solicitor shall make a faithful report in writing of the several matters directed to be examined into, specially stating in what respect if any there have been an omission of the officers aforesaid, and the said report shall be made to the aforesaid criminal court at the next term thereof, held subsequent to such examination: and when it shall appear from such reports that there has been an omission on the part of said officers the said solicitor shall cause an indictment to be preferred for such reported breach of duty and on conviction the defendant shall be fined or imprisoned or removed from office at the discretion of the court: *Provided further*, that this indictment shall not exempt any of said officers from being indicted for other breaches of duty as prescribed by law.

SEC. 12. That the clerks of the said courts shall be appointed by the judge and for the same term as the solicitors of said court: *Provided*, that the clerks of the superior courts of Edgecombe, Robeson, Halifax, Northampton, Cumberland, Craven, Nash, Warren and Wilson counties shall be the clerks of this court in the said counties of Edgecombe, Robeson, Northampton, Halifax, Cumberland, Craven, Nash, Warren and Wilson and shall hold their office for the term for which they were appointed and until their successors shall be appointed and qualify. Upon the death or resignation of any of said clerks in any of said counties aforesaid their successors shall be appointed by the judge of this court. That the judge of this court shall appoint the clerks of this court or the clerks of this court in the counties of New Hanover and Mecklenburg, who shall hold their office for two years and until their successors are appointed and qualify. Upon death or resignation of either of said clerks in Mecklenburg or New Hanover counties their successors shall be appointed by the judge of this court, and at the expiration of the term of office of said

Solicitor shall make examination of certain offices.

Purpose of such examination.

Solicitor shall make report.

Solicitor may prefer indictment against such officers.

Proviso.

Clerks shall be appointed by judge.

Proviso.

Term of office of clerks.

Vacancies.

Vacancies.

clerks their said successors shall be appointed by the judge of this court. That the clerks of this court shall give a justified bond in the sum of two thousand dollars for the faithful performance of their duties as such clerks, said bond to be approved by the judge of this court and conditioned for the faithful performance of their duty. That said clerks can be removed for cause by said judge.

**Clerks shall give bond.**

**Sheriffs of said counties, sheriffs of criminal court.**

SEC. 13. That the sheriffs of said counties shall be the sheriffs of the said criminal court of said counties, and each of said sheriffs, by himself or his lawful deputies, shall discharge all the duties incident to his office required of him in relation to the business of said court in the same manner as is provided in the superior courts, and for a failure to perform shall be subject to all the penalties and liabilities now prescribed by law.

**Commissioners shall make provisions for payment of fees.**

SEC. 14. It shall be the duty of the board of county commissioners of each of the said counties to provide for the payment of fees of the solicitor and the fees and compensation of the clerk and the sheriff of said criminal court and the pay of jurors and witnesses as is now provided by law in superior courts and all other expenses incident to said courts by order on the county treasurer of said respective counties.

**Commissioners shall provide necessary books.**

SEC. 15. That the commissioners of each of the said counties shall provide the necessary books to be used as dockets and records of said courts.

**Time and number of terms of said court, Mecklenburg.**

SEC. 16. That there shall be five terms of said criminal court of Mecklenburg county in each year held in the court-house in Mecklenburg county on the eighth Monday before the first Monday in March of two weeks, and on the fifth Monday after the first Monday in March of one week, and on the seventh Monday before the first Monday in September of two weeks, and on the third Monday after the first Monday in September of one week, and on the twelfth Monday after the first Monday in September of one week. That there shall be two terms of said criminal court of Robeson county in each year held in the court house in Robeson county on the sixth Monday after the first Monday in March, and on the eighth Monday after the first Monday in September of one week each; that there shall be three terms of said criminal court of Cumberland county in each year held in the court-house in Cumberland county on the ninth Monday before the first Monday in March, and on the eighth Monday after the first Monday in March, and on the second Monday after the first Monday in September of one week each; that there shall be two terms of said criminal court of Craven county in each year held in the court house in Craven county on the first Monday before the first Monday in March, and on the second Monday before the first Monday in September of one week each; that there shall be

**Robeson.**

**Cumberland.**

**Craven.**

two terms of said criminal court of Nash county in each year held in the court-house in Nash county on the fourth Monday before the first Monday in March, and on the first Monday before the first Monday in September of one week each; that there shall be four terms of said criminal court of New Hanover in each year held in the court-house in New Hanover county on the first Monday after the first Monday in March, and on the fourth Monday before the first Monday in September, and on the eleventh Monday after the first Monday in September of one week each, and on the thirteenth Monday after the first Monday in March of two weeks; that there shall be two terms of said criminal court of Wilson county in each year held in the court-house in Wilson county on the fifteenth Monday after the first Monday in March, and on the sixth Monday after the first Monday in September of one week each, that there shall be two terms of said criminal court of Edgecombe county in each year held in the court-house in Edgecombe county on the eleventh Monday after the first Monday in March, and on the tenth Monday after the first Monday in September of one week each; that there shall be two terms of said criminal court of Warren county in each year held in the court-house in Warren county on the sixteenth Monday after the first Monday in March, and on the fourteenth Monday after the first Monday in September of one week each; and there shall be three terms of said criminal court of Halifax county in each year held in the court house in Halifax county on the fifth Monday before the first Monday in March, and on the ninth Monday after the first Monday in March, and on the fourth Monday after the first Monday in September of one week each; that there shall be two terms of said criminal court of Northampton county in each year held in the court house of Northampton county on the second Monday after the first Monday in March, and on the first Monday in September of one week each. That the courts shall continue for the time herein specified unless the business shall be soon disposed of; there shall be other special terms of said criminal court of said district upon application of the county commissioners desiring special terms in their respective counties held in the court-house in said counties at such times as the said judge of said court shall determine, so as not to conflict with the superior courts, and to be called in the manner hereinafter provided for the calling of special terms of this court, and all of said terms of said courts shall continue for one week unless the business shall be sooner disposed of; and said judge shall have power to hold special terms of said court in any of the counties aforesaid whenever it shall seem necessary to him to order the same upon the request of the board of commissioners of the county desiring such special terms in their county, of which order fifteen (15) days of

Nash.

New Hanover.

Wilson.

Edgecombe.

Warren.

Halifax.

Northampton.

Judge shall have  
power to hold  
special terms of  
said court.

Notice shall be give of special terms.

Processes return-able at next regular term, returnable at special term.

Compensation of judge for special terms.

Change of venire from criminal to superior court.

Failure of judge to attend court on day set.

When commis-sioners shall draw jurymen for said court.

Drawing of grand jury.

public notice shall be given in manner to be prescribed by the judge, and at such special terms he shall make all orders and do anything and everything which he can do at the regular term, and when such special term shall be ordered all processes and precepts returnable to the next regular term shall be deemed returnable to such special term, and all recognizances, bonds, obligations and summons taken for the appearance of prisoners and witnesses to said regular term shall be binding upon said parties for their appearance to such special term as aforesaid. For all such special terms the judge of this court shall be paid as is now provided by law for superior court judges for like service.

SEC. 17. That in case of changes of venire from this court applied for on account of the interest, prejudice or relationship of the judge of said court or on account of any other legal objection to said judge the cause shall be transferred to any other county for trial, but the judge may order it to be transferred to the superior court of said county, but any party desiring a change of venire from said criminal court on account of any other cause may, upon application to the judge, obtain a removal of the same to any adjoining county under such rules and for such causes as are prescribed by law for the removal of criminal causes from one county to another county.

SEC. 18. That if the judge of said criminal court shall fail to attend to hold a court on the day designated for a regular or special term it shall be the duty of the clerk to open and adjourn the court for the first two days of the term; and if the judge shall not attend by four o'clock on the second day of said term the court shall be adjourned by the clerk until the next term in course and the recognizances, bonds, obligations, processes and other proceedings returned or returnable to said term shall be of the same force and effect and shall be proceeded in as though the same were returnable to such next regular term as is now provided in such cases in the superior courts, and shall be returnable as in such cases provided in said courts.

SEC. 19. That from and after the ratification of this act the county commissioners of each of said counties mentioned in section one of this act shall proceed at least fifteen days before the regular terms of said criminal courts or ten days before any special term of said criminal court to draw the names of thirty-six (36) jurors under the same rules and regulations as are now required by laws for selection of jurors to attend the superior court to serve as grand and petit jurors at the next term of said court; and at the said term of court there shall be drawn by a boy under ten years of age eighteen jurors from said number of thirty six jurors drawn as aforesaid, who shall constitute a grand jury for said court, twelve of whom shall be necessary to agree before a

bill of indictment shall be returned as true, and upon the failure of the commissioners of the said counties to draw the jurors as hereinbefore provided, said jurors shall be drawn by the sheriff and the chairman of the board of county commissioners in the manner prescribed in this section, and by existing laws in regard to jurors of the superior court not inconsistent herewith. The qualification of jurors in these courts shall be the same as prescribed by law for jurors in the superior court. In the event the grand jury at any term have not been discharged by the court but retained for service at a subsequent term or terms, then there shall be drawn by the county commissioners or sheriff and commissioners as aforesaid only eighteen jurors for service as petit jurors at any such subsequent term: *Provided*, said grand jury shall not be retained for more than one term subsequent to the term at which they were originally drawn.

Qualification of jurors.

Proviso.

Grand jury shall not be retained for more than one term. Courts shall be always open for transaction of business.

SEC. 20. Every term of a court shall continue until the next term begins, and the court in each and every county shall be always open for the transaction of business. The judge may arrange his sittings from time to time as convenience and justice may require, so as to dispose of business without delay, and may during recess of the court discharge the jury to be reassembled whenever notified, either by personal service or by letter through the mails.

SEC. 21. All jurors who shall attend or serve in said courts shall be entitled to the same compensation and shall be subject to the same rules and regulations and possess the same qualifications as are required by law in regard to jurors in the superior court.

Compensation of jurors.

SEC. 22. That if at any time during the session of said courts for aforesaid counties there shall be a deficiency of jurors, the judge may direct that there be summoned of the bystanders a sufficient number of persons to act as tales jurors in said courts in the same manner as is now prescribed by law for said jurors in the superior court, and the judge shall also have the power in the trial of capital felonies to order special venires as now prescribed for the superior courts.

Deficiency of jurors, bystanders may be summoned.

SEC. 23. That all criminal causes, indictments and proceedings by scire-facias or otherwise against defendants or witnesses and their sureties now pending in the criminal courts of the counties of Mecklenburg, New Hanover, Edgecombe, Robeson, Halifax, Cumberland, Craven, Nash, Warren and Wilson, now comprising the first criminal circuit of North Carolina or the superior courts of any of the counties comprising the first criminal circuit or eastern circuit criminal court of North Carolina shall be and are hereby transferred and removed to the eastern district criminal court created by this act. The provisions of this act shall apply to the county of Northampton, whether or not the same is specially

Criminal causes now pending in certain courts are removed to this court.

Applicable only to Northampton county.

Judge of other criminal court may be ordered to hold court in eastern district.

With written consent of governor said judge may exchange courts.

August term of Northampton county abolished.

Conflicting laws repealed.

Secretary of state shall certify act to chairman of commissioners of counties in district.

named in any or all of the sections of said act. That in case of the protracted illness of the judge of either the western district criminal court or the eastern district criminal court (the latter which is established by the ratification of this act) the governor shall order and appoint the judge of the other said criminal court to hold the courts in the counties of such district as may seem necessary to the commissioners of said counties in which the court is to be held. That the judge of the eastern district criminal court may at any time with the written consent of the governor exchange with the judge of said western district and hold the courts of a limited number of counties in said district; and the judge of the said western district may at any time with such written consent of the governor exchange with the judge of said eastern district and hold the courts of a limited number of counties in said eastern district. That the August term of the superior court of Northampton county is hereby abolished, and that after this act goes into effect no grand jury shall be drawn for the superior courts of Northampton county.

SEC. 24. That all laws or clauses of laws in conflict with this act be and the same are hereby repealed.

SEC. 25. That the secretary of state shall after the ratification of this act certify a copy of this act to the chairman of the county commissioners of the several counties mentioned in section one of this act.

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 472.

- An act to establish public schools in Chadbourn township, with a special tax supplemental thereto.

*The General Assembly of North Carolina do enact :*

Boundaries of public school district.

SECTION 1. That all that territory embraced in the following boundaries: Beginning at a point where the Whiteville and Fair Bluff road crosses Hayes branch, the corner of lot number seventy-four of the Sunny South colony, and runs south to the W. C. and A. Railroad; thence east with the W. C. and A. Railroad to the corner of the Jennings's land; thence with the west line of said land to lot number one hundred and twelve of Sunny South colony; thence with the east line of lots number one hundred and eleven and one hundred and twelve and extending south to the north line of John Thompson's land; thence along the east and

north lines so as to include all of said John Thompson's tract to the new county road to Phipps' lands; thence along the south line so as to include Phipps' land and F. D. Clem's; thence continuing west along with the new county road to the south line of lot number two hundred and twenty five; thence along the south line of lots number two hundred and twenty-three, two hundred and twenty-four, two hundred and twenty-five to the northwest corner of lot number two hundred and twenty-three; thence north along west line of number two hundred and twenty-three, two hundred and thirteen and two hundred and ten to the northwest corner of lot number two hundred and ten; thence east to the canal; thence north with the canal and Bacon branch to the northwest corner of lot three hundred and two; thence east along the line of lots number three hundred and one, three hundred and two to the northeast corner of lot number three hundred and one to the west line of Beaty Blake's land; thence north along the west line of Beaty Blake's and Thomas Blake so as to include their lands to the west line of lot number seventy-two; thence along the said line to the northeast corner of lot thirty-eight so as to include lots number thirty-eight, seventy-one and seventy-two; thence due south with the east line of lot number thirty-eight to the northwest corner of lot number twenty-seven; thence due east to the northeast corner of lot number twenty-one; thence with the north line of said lot to the northwest corner of lot number twenty-two; thence south to the southwest corner of lot number twenty-one; thence with the south line of lot number twenty-one to the southwest corner of lot number twenty; thence due south to the Whiteville and Fair Bluff road; thence with said road to the beginning, shall be and is hereby constituted a public school district and shall be called "the Chadbourn supplemental public school for the white and colored races."

SEC. 2. That the board of commissioners of Columbus county, upon the written application of a majority of the board of trustees of said school district is hereby authorized and directed to submit on the first Thursday in May, eighteen hundred and ninety-nine, and any year thereafter, to the qualified voters of said school district embraced in said county of Columbus under such rules and regulations as now exist for the election of mayor and commissioners of the town of Chadbourn the question whether an annual tax shall be levied therein for the support of supplemental public schools for white and colored races of said district. Each voter shall vote a written or printed ballot with the words "For school" or "No school" thereon.

SEC. 3. That in the event a majority of the qualified voters of said district shall vote in favor of such tax the same shall be levied by the board of commissioners of Columbus county and

Upon application of trustees commissioners of Columbus county shall submit to qualified voters whether or not annual school tax shall be levied.

Said annual tax, how levied and collected.

collected in the same manner as provided by law for the levying and collecting of state and county taxes. The sheriff of Columbus county shall collect the taxes of said school district and pay over the same to the treasurer of Columbus county under the same liabilities as are now provided by law for the collection and paying over of county school taxes: *Provided*, that the special tax so levied and collected shall not exceed thirty cents on each one hundred dollars worth of real and personal property and ninety cents on each poll in said district.

Proviso.

Limitation to said special tax.

Assessors shall value land in said district.

SEC. 4. That in order to ascertain the value of lands and other real property situated in said school district when the whole of said lands and other real property does not lie in said school district but part in another 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 taxes, 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. And in all cases where the whole of any lands or other property lies within the boundaries of said school district the value of the same as assessed for state and county taxes shall be the basis upon which taxes shall be levied under this act for school purposes.

Basis upon which taxes levied.

Special taxes, how expended

SEC. 5. That the special taxes thus levied and collected from the taxable property and polls of said school district shall be expended in keeping up public schools in said district for the white and colored races of both sexes between the ages of six and twenty-one years of age, and the said special taxes shall be so used and expended as to give the children of each race an equal number of months of school.

Board of trustees appointed.

SEC. 6. That R. E. L. Brown, William Stailey and Frank Westley be and they are hereby constituted a board of trustees for said school district and shall hold their offices till the first Tuesday in May, eighteen hundred and ninety-nine, and until their successors are duly elected and qualified as hereinafter set out, and they are hereby authorized and directed to establish at least two public schools in said district, one distinct and separate and apart for the white race and the other separate and apart for the colored race. That said board shall have power to fill all vacancies that may occur in said board during the year, to employ teachers and do all such acts as may be necessary to carry on said schools and shall receive no compensation for their services.

Vacancies occurring in board.

Annual election of school trustees

SEC. 7. That there shall be held annually on the first Tuesday in May an election in said school district under the same rules as now exist or may be hereafter established for the holding of elec-

tions in the town of Chadbourn, at which there shall be elected by the qualified voters of said school district three school trustees who shall hold their office for one year and till their successors are duly elected and qualified.

SEC. 8. That the per capita part of the school fund of the county raised under the general school law shall be applied to keeping up the public schools established by this act in said district and shall be by said board of trustees disbursed as set out in section five of this act.

Apportioned share of general school fund, how applied.

SEC. 9. That no trustees of said schools shall while acting as such be a teacher therein.

Trustees shall not be teachers in schools.

SEC. 10. That the board of trustees are authorized and empowered to purchase and hold for the purposes of said schools, buildings and suitable grounds, or to purchase suitable lots and erect buildings thereon within the corporate limits of the town of Chadbourn, and pay for the same out of the public school money for said district: *Provided, however,* that said schools shall not be located nearer each other than five hundred yards.

Trustees authorized to purchase lots, etc.

SEC. 11. That the board of trustees aforesaid and their successors may admit as pupils in said schools children who reside out of the boundaries of said school district upon the payment of such sums as shall be fixed by said board of trustees.

Children admitted as pupils

SEC. 12. That the board of trustees aforesaid may fix the scale of prices for subjects other than those required to be taught under the general school law for the requirements of public schools, the said prices to be paid by the pupils resident in said school district and such others as may be admitted under the provisions of section eleven.

Scale of prices for extra subjects taught.

SEC. 13. That the said board of trustees shall have the right to assess each pupil of the said district in a sum not exceeding fifty cents for each term of public school for incidental and other purposes.

Pupils may be assessed for incidental purposes.

SEC. 14. That the board of trustees of said school district shall not be subject to any restrictions or limitations as to the salary of teachers employed by them prescribed by any law or statute, but may pay the teachers employed such compensation as the board of trustees may deem just and proper.

Salaries of teachers.

SEC. 15. That this act shall be in force from and after its ratification.

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 473.

An act to amend chapter one hundred and twenty-two of the public laws of eighteen hundred and ninety-seven.

*The General Assembly of North Carolina do enact:*

Relating to control and management of Atlantic and North Carolina Railroad.

SECTION 1. That section one of chapter one hundred and twenty-two of the public laws of eighteen hundred and ninety seven be amended by striking out the word "governor" in the second and seventeenth line of said section and by inserting in lieu thereof in each of said lines the words "board of internal improvements," and also by striking out the word "governor and" in line twenty-two of said section.

Section 2 of said chapter amended.

SEC. 2. That section two of said chapter one hundred and twenty two be amended as follows: Strike out in line two of said section the words "governor and"; also strike out the words "governor and" in lines three, four and five of said section.

Section 3 amended.

SEC. 3. That section three of said chapter one hundred and twenty two be amended as follows: Strike out the word "governor" in line thirteen of said section and insert in lieu thereof the words "board of internal improvements."

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 474.

An act to repeal chapter four hundred and sixteen of the public laws of eighteen hundred and ninety-five, in regard to birds of Iredell county.

*The General Assembly of North Carolina do enact:*

Relating to an act making it a misdemeanor to kill quail or wild turkeys in April and November.

SECTION 1. That chapter four hundred and sixteen, public laws of eighteen hundred and ninety-five, be and the same are hereby repealed.

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. 1899.

## CHAPTER 475.

An act to increase the number of commissioners of Pamlico county.

*The General Assembly of North Carolina do enact:*

Number of commissioners of Pamlico county increased.

SECTION 1. That the number of county commissioners of Pamlico [county] be and the same is hereby increased to eight for the term ending the first Monday in December, nineteen hundred.

SEC. 2. John P. Tingle, John T. Davenport, Jesse L. Riggs, Stephen J. Clark, George K. Dixon are hereby elected additional commissioners for the term aforesaid, which term shall begin upon the first Monday in March, eighteen hundred and ninety-nine.

Additional commissioners appointed.

SEC. 3. That said additional commissioners shall qualify before the clerk of the superior court as early as practicable after the ratification of this act, and shall meet with the three commissioners elected at the last general election and with them shall constitute the board of commissioners for Pamlico county.

When said commissioners shall qualify.

SEC. 4. That the said board shall meet and organize on the first Monday in March or as early as practicable thereafter by electing a chairman and fill such vacancies as at that time may exist in any of the offices in the county to which they have the appointing power.

Reorganization of board.

SEC. 5. The secretary of state is hereby directed to send a copy of this act under the seal of state to the clerk of the superior court and to the chairman of the board of county commissioners of Pamlico county immediately upon its ratification.

Secretary of state directed to notify clerk of court.

SEC. 6. That the clerk of the superior court of Pamlico county shall notify the commissioners elected under this act immediately upon the receipt of this certified copy from the secretary of state under penalty of the law for failing so to do.

Clerk shall notify commissioners.

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

Ratified the 6th day of March, A. D. 1899.

#### CHAPTER 476.

An act to change the time of holding superior court in the county of Franklin.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the term of the superior court of Franklin county, held under existing law on the seventh Monday after the first Monday in September shall be held on the sixth Monday after the first Monday in September and continue two weeks.

Time of holding court in Franklin county.

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 477.

An act for the protection of fish and game in Steele's township, Richmond county.

*The General Assembly of North Carolina do enact:*

Fishing or hunting in Steele's township unlawful.

SECTION 1. That it shall be unlawful for any person to hunt or fish on the lands of another in Steele's township, Richmond county, without written consent of the owner.

Violation of this act a misdemeanor.

SEC. 2. That any person violating any provision of this act [shall] be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one dollar nor more than ten dollars in discretion of the court.

Conflicting laws repealed.

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

SEC. 4. That this act shall be in force from and after April the first, eighteen hundred and ninety nine.

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 478.

An act to regulate the holding of inquests in Northampton county.

*The General Assembly of North Carolina do enact:*

Section 657 of The Code amended.

SECTION 1. That section six hundred and fifty seven of The Code be and the same is hereby amended as follows: At the end of said section add the words: "Provided, that before any coroner is authorized to hold any inquest the affidavit mentioned in this section shall be made before the clerk of the superior court, when said clerk in the exercise of his discretion shall direct an order to the sheriff to notify the coroner to proceed to hold the inquest in accordance to law."

Applicable only to Northampton county.

SEC. 2. That this act shall apply only to the county of Northampton.

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 479.

An act to amend chapter forty-one, public laws of eighteen hundred and ninety-seven.

*The General Assembly of North Carolina do enact:*

Relating to levy of special tax for Montgomery county. Maximum special tax reduced from 55 cents to 45 cents.

SECTION 1. That chapter forty-one (41), public laws eighteen hundred and ninety seven be amended as follows: Strike out the words "fifty five" (55) in line three (3), section one of said chapter, and insert "forty five" (45) in lieu thereof.

SEC. 2. That section two of said chapter be amended so as to read as follows: "That said special tax shall be applied to the payment of the judgment and debts against said county according to their priority: *Provided*, the commissioners of said county may have power and authority to compromise with any and all persons holding claims or judgments against said county at seventy five cents and less on the dollar and pay the same to the exclusion of other claims."

Section 2  
amended;

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

Ratified the 6th day of March, A. D. 1899.

#### CHAPTER 480.

An act to prohibit the sale of liquors in the county of Columbus, and to provide for a dispensary at the town of Whiteville.

*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 in Columbus county, North Carolina, of any spirituous, malt, vinous, fermented, brewed or other liquors in 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 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 one hundred dollars nor more than five hundred dollars or both fine and imprisonment in the discretion of the court, of [for] each offense: *Provided*, that any person may manufacture and sell wine and cider on the premises where he resides which was made from fruit raised thereon, except in localities where the same is now prohibited by law: *Provided further*, that intoxicating liquors may be sold in the corporate limit of the town of Whiteville in said county after the first day of July, eighteen hundred and ninety nine, if at an election on the question of "Dispensary" or "No dispensary," which is hereby ordered to be held in said town on the first Monday in June, eighteen hundred and ninety-nine, under the rules and regulations governing municipal elections in the same, a majority of the qualified voters thereof shall cast their votes in favor of a dispensary.

Manufacture or sale of liquor in Columbus county prohibited.

Penalty for violation of this section.

Proviso.

Proviso.

Liquors may be sold if voters favor dispensary.

SEC. 2. That in the event a majority of the votes cast at said election shall be in favor of a dispensary 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

County board of control.

Appointment of dispensary commissioners.

said county is hereby constituted to be known as the county board of control. Said board of control shall appoint from the citizens of said county 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.

Establishment of dispensary.

SEC. 3. Said dispensary commissioners shall establish and maintain at some point on one of the principal business streets in said town of Whiteville 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 thereof. Said commissioners shall cause the

Liquors shall be tested.

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

Proviso.

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 shall be sealed.

packages of not less than one half pint and not 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

Impure liquors may be condemned.

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 county one or more persons,

Election of manager.

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

Manager shall make oath.

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 county aforesaid; that he or they has or have never been adjudged guilty of violating the law in relation to in-

toxicating 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 five hundred [dollars], 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 awarded or recorded against him or them for violation 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 condition of the same shall be broken, the principal and sureties thereon shall also be jointly, 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.

**Shall give bond.**

**Bonds for use of county and town.**

**Liability of bondsmen.**

**Bond shall be approved.**

**Compensation of manager.**

**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 barrels, and such malt liquors may be sold by said manager or managers in such quantities not less than one bottle as he or they 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 daytime under such rules as said commissioners may adopt: *Provided*, the dispensary shall be closed on Sundays, election days and such other days as said commissioners shall direct.

**Rules and regulations.**

**Provido.**

**Unlawful to break sealed packages.**

**Provido.**

**Shall not apply to certain liquors.**

**Provido.**

**Drinking on premises prohibited.**

**SEC. 5.** The prices at which spirituous, vinous and malt liquors

Price of liquors fixed by commissioners.

shall be sold shall be fixed by said commissioners: *Provided*, all sales shall be for cash and at a profit not exceeding one hundred per centum of the actual cost thereof.

Persons to whom liquor shall not be sold

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 liquors with [within] the limits of said county, 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 reselling, bartering or exchanging the same shall be guilty of a misdemeanor and on conviction shall be punished by a fine of not less than fifty dollars nor more than two hundred dollars or imprisoned 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 commissioners become satisfied that any person has purchased or is purchasing for the purpose of reselling, the said commissioners shall direct as to the quantity to be sold to such person, or if they become satisfied that any person is indirectly purchasing repeatedly for the purpose of reselling, the said commissioners are authorized to direct the manager or managers not to sell to such person except upon the certificate of a respectable physician that such liquors are needed for medical purposes.

Loitering about premises prohibited.

SEC 7. The manager or managers of said dispensary shall not allow any person 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 by the manager or managers shall be guilty of a misdemeanor.

Ordinances relating to dispensary.

SEC 8. The mayor and board of town commissioners of said [town] of Whiteville shall from time to time pass such ordinances as may be necessary to carry out the conditions of this act, and shall provide suitable penalties for the violation of this act and the rules and regulations of the dispensary commissioners.

Druggists may make purchases of dispensary.

SEC 9. No druggist in said county 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 can not 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 con-

Proviso.

viction 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.

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 not less than one dollar nor more than twenty-five dollars or imprisonment in the county jail not less than three nor more than thirty days.

Persons making false statement to secure liquor, guilty of misdemeanor.

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 name 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 not less than one hundred dollars nor more than five hundred dollars, or by imprisonment not less than three months nor more than twelve months in the county jail.

Receiving or keeping liquors in clubs, etc., unlawful.

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-fourth of which amount shall be appropriated from the town treasury and three-fourths from the county treasury, and said amounts shall be repaid into said treasuries out of the profits arising from said dispensary, and thereafter shall be supported and maintained out of the profits arising from sales in said dispensary: *Provided*, if there is not cash money in the treasury of the town of Whiteville sufficient to supply the sum of money to be appropriated by said town, nor in the county treasury belonging to the general funds of the county to supply the amount to be furnished by the said county, the mayor and commissioners of said town and the commissioners of said county shall immediately borrow the money necessary and pledge the credit of the town and county aforesaid for the payment of the same: *Provided*, 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 neces-

May borrow money.

Provido.

Money may be appropriated to keep dispensary in operation.

sary 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.

Weekly settlement.

SEC. 13. That 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 county, and such books shall show the amount and kinds 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,

Books shall be subject to inspection.

Monthly statement.

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 profits and pay one fourth thereof to the treasurer of the town of Whiteville, to be applied to the necessary expenses thereof and the remaining three fourths to be paid to the treasurer of Columbus county to be applied to any indebtedness or expense of said county.

Quarterly reports.

Profit of dispensary, how applied.

Eligibility for appointment as commissioner.

SEC. 14. Every person holding any office or position of any kind under the charter or ordinances of the said town of Whiteville and the county officers of Columbus 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 managers 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 and manager

or managers of said dispensary shall always be 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, conditional 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 one hundred dollars per annum.

Dispensary commissioners shall give bond.

SEC. 16. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed, and that section three thousand one hundred and eleven of The Code is hereby repealed as to its application to this act.

Conflicting laws repealed.

SEC. 17. That this act shall be in force from and after its ratification, except as to that part of Fair Bluff township, in Columbus county, lying on the south side of the Wilmington, Columbia and Augusta Railroad, and as to that territory it shall be in full force and effect on and after November first, eighteen hundred and ninety-nine.

When effective.

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 481.

### An act to protect the Fries Electrical and Power Plant of Forsyth county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any person to intentionally interfere with in any way any of the dynamos, transmitters, wires, insulators or other parts or portions or fixtures of the electrical plant, built, erected and operated between the towns of Winston and Salem, in Forsyth county, and the Yadkin river at Douthit Shoals for the transmission of power from said river to said towns and elsewhere by cutting or otherwise injuring the poles which support the wires, by affixing metallic plates on said poles whereby the lives of operatives are endangered, by placing poles, sticks, wires or other objects in contact with the wires over and through which electricity is transmitted or in any way to interrupt the operation of the plant or system.

Unlawful to interfere with dynamos, etc., of said company.

SEC. 2. That any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof before a court of competent jurisdiction shall be fined or imprisoned, one or both, at the discretion of the act [court].

Violation of this act a misdemeanor.

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 482.

**An act to provide for the appointment of the janitor of the supreme court building.***The General Assembly of North Carolina do enact :*

Keeper of capitol  
may appoint  
janitor of su-  
preme court  
building.  
Proviso.

SECTION 1. That the keeper of the capitol, public grounds and arsenal shall, with the approval of the marshal of the supreme court, appoint a janitor of the supreme court building, and shall have power to remove the same in like manner: *Provided*, that this shall not be construed to authorize the appointment of more than one janitor.

Conflicting laws  
repealed.

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

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 483.

**An act to provide a dispensary for the county of Warren.***The General Assembly of North Carolina do enact :*

Manufacture or  
sale of liquors in  
Warren county  
unlawful, except  
as provided  
herein.

SECTION 1. That the manufacture, sale, barter or exchange, receipt or acceptance for unlawful use, delivery, storing and keeping in possession within the county of Warren, 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 one hundred dollars nor more than five hundred dollars, 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 of his own manufacture to sell and deliver the same himself at the place of manufacture: *Provided*, such brandy or wines are not sold in quantities less than one quart and are not drunk on the premises where sold.

Penalty.

Proviso.

County board of  
control.

SEC. 2. A board consisting of the mayor of the town of Warrenton, in said county, 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 county board of control. Said board of control shall on the first Monday of July, nineteen hundred and one, and every two years thereafter, appoint from the citizens of said county 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 shall be 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. W. B. Boyd, M. P. Burwell and H. J. White are hereby constituted the board of dispensary commissioners, whose term shall commence July first, eighteen hundred and ninety nine, and end on first Monday of July, nineteen hundred and one, or when their successors are appointed.

Appointment of dispensary commissioners.

Term of office.

Commissioners appointed.

SEC. 3 Said dispensary commissioners shall establish and maintain at some point on one of the principal streets in the said town of Warrenton 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 that 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 county 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

Dispensary shall be established by said commissioners.

Liquors shall be tested

Liquors offered for sale shall be put in sealed package.

Liquors may be condemned.

Appointment of manager.

Term for which elected.

Manager shall take oath and give certain information.

Shall execute bond.

Bond deposited with county treasurer.

Moneys collected for breach of bond, how applied.

Rules and regulations.

Proviso.

Packages shall not be broken.

Proviso.

Proviso.

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 county 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 five hundred dollars, 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 violation of such laws, rules and regulations 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 their hands by virtue of said office. Said bond or bonds shall be deposited with the county treasurer, and in case any [of] the conditions of the same shall be broken, the principal and sureties thereon shall also be severally and jointly 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 bonds 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.

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 to open the same for any reason whatever, and it shall be unlawful for any person to open said package or 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 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 nor opened on said premises. The said dispensary shall be open and said liquors shall be sold therein only in the daytime under such rules as said commissioners may adopt: *Provided*, the dispensary shall be closed on Sundays, election days and such other days as said commissioners shall direct.

Drinking on premises prohibited. When liquor shall be sold.

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 centum of the actual cost thereof.

Price of liquor.

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 limit of said county, and the manager or managers of said dispensary knowingly violating the provisions of this section or any person purchasing from him or them for the purpose of selling, bartering or exchanging said liquor shall be guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than fifty dollars nor more than two hundred dollars 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 commissioners become satisfied that any person has purchased or is purchasing for the purpose of reselling, bartering or exchanging 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 reselling, said commissioners are authorized to direct the manager or managers not to sell to such persons or person except upon the certificate of a respectable physician that such liquors are needed for medical purposes.

To whom no sale shall be made.

Violation of this section a misdemeanor.

Penalty.

SEC. 7. The mayor and board of town commissioners of said town of Warrenton shall from time to time pass such ordinances as may be necessary to carry out the provisions of this act in said town, and shall provide suitable penalties for the violations of this act and the rules and regulations of the dispensary commissioners.

Commissioners may pass ordinances regulating dispensary.

SEC. 8. 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 or premises when ordered to by the said manager or managers shall be guilty of a misdemeanor.

Loitering around premises prohibited.

SEC. 9. No druggist in said county shall sell any spirituous, vinous or malt liquors, even upon the prescription of a licensed physician. But the said druggist may purchase from said dispensary spirituous and vinous liquors, but not malt, for the pur-

Sale of liquor by druggists prohibited.

pose of compounding medicines, tinctures and extracts that can not 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.

Persons making false statements to secure liquors guilty of a misdemeanor.

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 two dollars nor more than twenty-five dollars or imprisonment in the county jail not less than three nor more than thirty days.

Sale of liquor in clubs prohibited.

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 one hundred dollars nor more than five hundred dollars or by imprisonment for not less than three months nor more than twelve months in the county jail.

Penalty.

Money shall be appropriated for establishment of dispensary.

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 treasuries out of the profits arising from said dispensary, and thereafter said dispensary shall be supported and maintained out of the profits arising from sales in said dispensary: *Provided*, that said mayor and board of town commissioners and board of county commissioners shall be authorized and are hereby required to appropriate at

Proviso.

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 [a] tax for that purpose.

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 county, 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 monthly reports to said board of control on the first Monday in each month, 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 thereof to the town treasurer, and the remaining three eighths thereof to the county treasurer. That part of the said net profits awarded the town shall be appropriated and used by the mayor and board of town commissioners in the permanent improvement of the public streets and sidewalks of said town, and the three-eighths part awarded the county may be appropriated and used by the board of county commissioners either in whole or in part for general purposes or for the permanent improvement of the public roads of the county: *Provided, however,* that all the net profits arising from the sales of liquors at branch dispensaries shall be paid to the county treasurer, to be apportioned and applied by the county commissioners as follows: One-fourth to the school fund and other three-fourths to road fund or general county fund as above provided.

Sums may be appropriated to continue dispensary.

Weekly settlements by manager.

Record shall be made public.

Monthly report of manager.

Dispensary commissioners shall make monthly reports.

Profits, how applied.

Profits accruing to county.

Proviso.

SEC. 14. Every person holding any office or position of any

Elizibility of dispensary commissioners.

kind under the charter or ordinances of the said town of Warrenton and the county officers of Warren 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 said county: *Provided*, that the dispensary commissioners and manager or managers of said dispensary shall always be eligible to re election.

Proviso.

Commissioners eligible to re-election.

Commissioners shall give bonds.

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, not less than one thousand dollars each, 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 more than one hundred dollars each per annum.

Amount of bond.

Branch dispensaries may be established.

SEC. 16. Said board of dispensary commissioners may, in their discretion and when they think the necessities of the public require it, establish at one or more other places in said county of Warren branch dispensaries, which shall be under the control and management of the same board of control and the same board of dispensary commissioners as hereinbefore provided and subject to all the provisions of this act and to all the rules and regulations provided by said dispensary commissioners under this act.

Conflicting laws repealed.

SEC. 17. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed, and that section three thousand one hundred and eleven of The Code is hereby repealed as to its application to this act.

SEC. 18. That this act shall be in force from and after the first day of July, eighteen hundred and ninety nine.

Ratified the 6th day of March, A. D. 1899.

#### CHAPTER 484.

An act to authorize the condemnation of foot paths to school houses in Durham county.

*The General Assembly of North Carolina do enact :*

Freeholders may be appointed to lay out necessary foot paths in Durham county on petition.

SECTION 1. That upon petition of any three patrons of any public school in Durham county that there is no convenient way to get to a public school house except over the lands of others, and that a foot path is necessary for the convenience of the school children attending such school, and that such land owners

refuse to consent to the same, it shall be lawful for the board of commissioners of said county to hear and pass upon the same, and if they are satisfied that the said foot path is necessary for the use and convenience of said school children, they shall appoint three disinterested freeholders to lay out the same and assess the damages therefor, who shall proceed in the premises after due notice to such land owners of the time and place of meeting.

SEC. 2. That upon the filing of such petition said commissioners shall cause a copy of the same to be served upon the land owners over whose lands its [the] proposed foot path is to run, together with a notice that such petition will stand for hearing at the next monthly meeting of said board, and said petition shall not be heard until such land owners have been served with notice as aforesaid.

Petition shall be served on land owners.

SEC. 3. That all the costs of the proceeding and the amount of damages assessed by said jury shall be paid by the petitioners, and the said path shall not [be] laid out until the same are paid in full.

Cost of proceedings be paid by petitioners.

SEC. 4. That said jury shall report their proceeding hereunder to the said board of commissioners for confirmation, and either the petitioners or land owners or all or every one of them may file exceptions to said report, and from the decision of said board of commissioners may appeal to the superior court under the same rules and regulations as are prescribed by law governing appeals from courts of justice of the peace.

Land owners may file exceptions to report of jury.

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

Ratified the 6th day of March, A. D. 1899.

#### CHAPTER 485.

An act to establish graded schools in the town of Waynesville, and to provide for the issuance of bonds for electric lights.

*The General Assembly of North Carolina do enact :*

SECTION 1. That all the territory embraced within the corporate limits of the town of Waynesville, Haywood county, shall be and is hereby constituted "the Waynesville graded school district for white and colored children."

School district established.

SEC. 2. That the board of aldermen of the town of Waynesville are hereby required to submit to the qualified voters of said town at the next election for municipal officers of said town, to be held in May, the question whether an annual tax shall be levied for the support of the graded schools in said town.

Question of school tax ordered submitted to voters.

Form of ballot.

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.

Annual tax.

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 aldermen of said town and their successors to levy annually a special tax not less than twenty cents nor exceeding sixty cents on the one hundred dollars valuation of all taxable property of said town and upon the poll not less than sixty cents nor exceeding one dollar and eighty cents, and said taxes shall be due and collected annually by the town tax collector at the same time and in like manner as other taxes are due and collected.

Limitation to said tax.

Taxes, to whom paid.

SEC. 5. That the taxes shall be paid over by the said tax collector of the said town to the treasurer of said town, which officers shall give bonds, the former for collection and the latter for the safe keeping and proper disbursement 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 fund separate and apart from all other moneys and shall pay out the same only upon a warrant signed by the chairman and secretary of the board of trustees of the graded schools of said town.

School fund shall be kept separate.

Board of trustees appointed.

SEC. 6. That T. L. Green, J. Lockwood Williams, J. D. Boone, W. H. Faucett, W. W. Stringfield, R. D. Gilmer, J. K. Boone, C. H. Ray, B. F. Smathers, James Arrington and R. D. Dickers be and are hereby constituted a board of trustees for the graded schools of said town; that said board shall have power to fill all vacancies in said board, employ teachers and do all such acts as may be necessary to carry on the said graded schools. That the first three trustees named in this section shall be elected for one year, the second three for two years and the remaining three for three years; and that upon the expiration of the terms of the foregoing sets of trustees the remaining members of the said board shall elect three trustees as their successors, who shall hold for a term of three years.

Powers of trustees.

Duty of board to establish schools for white and colored races.

SEC. 7. That it shall be the duty of said board to establish a graded school for the white children and one for the colored children of said town, and to appropriate the funds derived from said special tax and all other sources for said graded schools for white and colored children so as to equalize school facilities between the two races.

Public school money under general law, how applied.

SEC. 8. That the public school money which may from time to time be collected and apportioned under the general school law

for general school purposes for the children in said town shall be applied to keeping up said graded schools under the order and direction of the said board of trustees of said graded school.

SEC. 9. That the board of aldermen of the said town are hereby authorized and empowered, in their discretion, to use any part or all of the funds belonging to the said town, arising from the management of the dispensary in said town for the schools provided for in this act.

Dispensary funds may be applied to schools.

SEC. 10. That the board of trustees of the said schools are hereby authorized and empowered to admit into the said schools children residing out of the said school district upon the payment of such rates of tuition as may be established by the board: *Provided*, that said board may admit free of tuition children of parents who own taxable property within said town.

Children, who shall be admitted.

SEC. 11. That the board of aldermen of the said town are hereby authorized and directed to cause an election to be held in May next at the time for the election of municipal officers, and to submit to the qualified voters of said town the question of issuing bonds to the amount of not less than five thousand dollars nor more than ten thousand dollars for the purpose of either buying or erecting and equipping a suitable building for the white graded schools in said town. The election shall be advertised by the board of aldermen of said town for thirty days prior to the day of election in some newspaper published in said town and at the court house and four other public places in said town, and shall be held under the same rules and regulations that are prescribed by law for the election of mayor and aldermen of the said town. Those who are in favor of issuing bonds shall vote a written or printed ballot without device with the words "For bonds" thereon, and those who are opposed shall vote a written or printed ballot without device with the words "Against bonds" thereon. The result of said election shall be ascertained as directed by law and certified and returned by them to the board of aldermen within two days after the day of election, who shall verify and also certify said result and cause the same to be recorded in their minutes.

Election ordered held to vote on question of bonds for building suitable school-house, etc.

Form of ballot.

Result of election to be recorded.

SEC. 12. That if a majority of the qualified voters of said town voting shall vote "For bonds," then the board of aldermen of said town shall issue coupon bonds to the amount voted for in said election and in denominations of not less than five hundred dollars, bearing interest from the date of said bonds at five per centum per annum, and payable semi annually at the Bank of Waynesville in said town on the first day of January and July of each year until said bonds are paid. That the said bonds shall be payable after the expiration of thirty years from the date thereof. The bonds and the coupons shall be numbered and the

Denomination of bonds.

Maturity of bonds.

bonds shall be signed by the mayor of said town and countersigned by the treasurer of the board of aldermen, and a record shall be kept of all bonds, observing the number, amount and to whom sold. The coupons shall be received in payment of taxes, polls and debts due said town: that the said bonds shall not be sold for less than their par value, but the board of aldermen are authorized in their discretion to pay a commission not to exceed five per centum of the amount of the issue of said bonds should it become necessary in order to effect a sale thereof; that the sales of the said bonds shall be used by the board of aldermen of said town for the exclusive purpose of either buying or erecting and equipping a suitable building for the white graded school of said town.

Bonds, at what price disposed of.

Annual special tax may be levied to pay interest and principal.

SEC. 13. That in order to pay the interest on said bonds the board of aldermen of said town are hereby authorized and it shall be their duty to annually compute and levy, at the time of levying other taxes of said town, a sufficient special tax upon the real and personal property within the corporate limits of said town and other subjects of taxation mentioned in chapter one hundred and twenty-seven of the private laws of eighteen hundred and eighty-five and the amendments thereto, and on the polls of said town, always observing the constitutional equation between the tax on property and the tax on polls, with which to regularly and promptly pay the interest on said bonds. The said special tax shall be collected at the time and as other taxes of said town are collected, and shall be paid over by the tax collector of said town to the treasurer of said town, which officers shall give good and sufficient bonds, the former for the collection of said taxes and paying them over as aforesaid, and the latter for their safe keeping and proper disbursement.

Said special tax, how collected.

Said taxes shall be kept separate.

SEC. 14. That the taxes levied and collected for this purpose shall be kept separate and distinct from all other taxes and shall only be used for the purpose for which they were levied and collected, and any mayor or alderman who shall appropriate or attempt to appropriate by vote or otherwise to any purpose, directly or indirectly, other than that for which they were levied, said special taxes or any part thereof shall be guilty of a misdemeanor.

Property of public schools vested in trustees.

SEC. 15. That the property, both real and personal, of the public schools of said town shall become the property of the said graded schools, and shall be vested in the said board of trustees and their successors in trust for said graded schools: *Provided*, that in the event of the discontinuance of said graded schools all the property thereto belonging shall revert to and become the property of the said public schools of said town: *Provided*, that the said property belonging to or used for the graded schools for

Proviso.

white children should revert to the public schools of said town for white children, and the property belonging to or used for the graded school for the colored children shall revert to the public school for colored children of said town.

SEC. 16. That the said board of aldermen for the said town of Waynesville are authorized to submit to the qualified voters of the said town in May next the question of issuing bonds not to exceed the sum of five thousand dollars [for the] purpose of procuring, erecting and operating in the said town electric lights. The said election shall be held under the same rules and regulations as those prescribed in section eleven of this act, and those who favor the issuing of said bonds for said purpose shall vote a written or printed ballot without device with the words "For electric light bonds" on it, and those opposing shall vote a written or printed ballot without device with the words "Against electric light bonds" thereon. If a majority of the qualified voters of said town voting shall vote for electric light bonds, then the board of aldermen of said town shall issue bonds not to exceed the amount voted for in denominations of not less than two hundred and fifty dollars, bearing interest from the date of said bonds at five per centum per annum, and payable semi annually at the Bank of Waynesville in said town on the first day of January and July of each year until said bonds are paid; that said bonds shall be payable after the expiration of thirty years from the date thereof. The bonds and the coupons shall be numbered and the bonds shall be signed by the mayor of said town and countersigned by the treasurer of the board of aldermen, and a record shall be kept of all bonds, observing the number, amount and to whom sold. The coupons shall be received in payment of taxes, polls and debts due said town. The said bonds shall not be sold for less than their par value, but the board of aldermen are authorized, in their discretion, to pay a commission not to exceed five per centum of the amount of issue of said bonds, should it become necessary in order to effect a sale thereof. That the sales of said bonds shall be used by the board of aldermen for the exclusive purpose of procuring, erecting and operating a system of electric lighting for the said town. That in order to pay the interest on said bonds the board of aldermen for said town are hereby authorized and it shall be their duty to annually compute and levy at the time of levying other taxes of said town a sufficient special tax upon the real and personal property within the corporate limits of said town, and other subjects of taxation mentioned in chapter one hundred and twenty-seven of the private laws of eighteen hundred and eighty-five, and the amendments thereto, and on the polls of said town, always observing the constitutional equation between the taxes on property and the taxes

How said property shall revert.

Election ordered to submit question of issuing bonds for electric lights  
Maximum amount of bonds.

Election, how held.

Form of ballot.

Denomination of bonds.

Bonds, when payable.

Coupons receivable for taxes.

Bonds shall be used for exclusive purpose.

Annual levy of taxes.

on polls with which to regularly and promptly pay the interest on said bonds. The said special tax shall be collected at the time as other taxes of said town are collected, and shall be paid over by the tax collector of said town to the treasurer of said town, which officers shall give good and sufficient bonds, the former for the collection of said taxes and paying them over as aforesaid, and the latter for their safe keeping and proper disbursement.

Bonds of treasurer and tax collector.

Appropriation of said funds for purpose other than specified unlawful.

SEC. 17. That the taxes levied and collected for this purpose shall be kept separate and distinct from all other taxes, and shall be only used for the purpose for which they were levied and collected, and any mayor or alderman who shall appropriate or attempt to appropriate by vote or otherwise to any purpose directly or indirectly other than that for which it was levied said special taxes or any part thereof shall be guilty of a misdemeanor.

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

Ratified the 6th day of March, A. D. 1899.

#### CHAPTER 486.

An act in relation to the public school in the town of Pilot Mountain, North Carolina, and providing for the levying of a tax to support the same.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of commissioners of the town of Pilot Mountain shall and they are hereby authorized to submit to the qualified voters of said town, under such rules and regulations and at such time within three months after the ratification of this act as the said commissioners may prescribe, whether a tax shall be annually levied therein for the support of the schools in said town provided for in this act. At the election held under the provisions of this act those who favor the levying of such tax shall vote on written or printed ballots the words "For schools," and those who are opposed to the levying of such tax shall vote on written or printed ballots the words "Against schools." The manner of holding such elections and the penalty for illegal and fraudulent voting in this election shall be the same as in annual election for mayor and commissioners in the town of Pilot Mountain. The commissioners shall give thirty days notice of the time of holding said election in one or more of the newspapers published in the county of Surry.

SEC 2. The inspectors of said election shall on the day following the election certify the number of votes cast and counted for

Question of annual tax for school purposes shall be submitted to voters of Pilot Mountain

Form of ballot.

Illegal voting.

and against school to the commissioners of said town, who shall proceed to declare at once the result of the election, and if a majority of the qualified voters in said town shall vote in favor of such tax the same shall be levied and collected by the town authorities under which other town taxes are levied and collected, and the tax collector shall be subject to the same liabilities for the collection and disbursements of the said [tax] as he is or may be for other town taxes: *Provided*, the special tax so levied and collected shall not be less than sixteen and two thirds cents or more than thirty cents on the one hundred dollars valuation of property, and not less than fifty cents nor more than ninety cents on the poll. The taxes levied and collected under the provisions of this act shall be applied exclusively to the support and maintenance of the public schools in the town of Pilot Mountain, and the school committee, whose appointment is hereinafter provided for, may establish one or more graded schools in the town of Pilot Mountain, and the taxes levied and collected under this act shall not be appropriated or expended for any other purpose.

Inspector of election shall announce result.

Proviso.

Amount of special tax.

Taxes collected under this act applied only as specified Public school district.

SEC. 3. For the purpose and benefits of this act the town of Pilot Mountain shall be and constitute a public school district for both white and colored.

SEC. 4. If this act shall be ratified at the election authorized to be held under it the School Committee of the town of Pilot Mountain shall consist of five members, instead of three as now required by the general school laws, and that John M. Redman, James C. Dodson, G. O. Key, O. J. Denny and W. J. Swanson shall constitute said committee. That said committee shall be divided by the commissioners of the town of Pilot Mountain at their next regular meeting held after the election provided for in this act into five classes of one each. The term of office of the first shall expire at the end of one year from the date of said meeting; and the term of office of the second class shall expire at the end of two years from date of said meeting; and the term of office of the third class shall expire at the end of three years from the date of said meeting; and the term of office of the fourth class shall expire at the end of four years from date of said meeting; and the term of office of the fifth class shall expire at the end of five years from date of said meeting. Whenever the term of office of any class as above provided shall expire his successor shall be appointed for a term of five years by the said commissioners at their first meeting after their election and qualification. Whenever any vacancy occurs in said committee except by expiration of the term of office the vacancy for the unexpired term of the member or members shall be filled by the said commissioners.

School committee.

Committeemen appointed.

Term of office of committeemen.

SEC. 5. That the school committee provided for by this act shall have entire and exclusive control of the public school in-

Committeemen shall have entire control of schools.

Teachers. Census.	<p>terest and property in the town of Pilot Mountain, shall prescribe rules and regulations for their own government not inconsistent with the provisions of this act, shall employ and fix the compensation of officers and teachers of the public schools or graded public schools annually, subject to removal by the said committee, 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 acts that may be just and lawful to conduct and manage the general school interest in said town: <i>Provided</i>, that all children resident in the town of Pilot Mountain between the ages of six and twenty one years shall be admitted into said school free of tuition or charges.</p>
Children who shall be admitted to school.	<p>SEC. 6. The school committee created by this act may elect annually a superintendent of the school established under this act, who shall be the principal of the public or graded school for white children, if same shall be established. The said superintendent shall examine all applicants for teachers' positions in the said schools and issue certificates to the same, and shall do and perform such other duties as may be prescribed by said school committee.</p>
Election of superintendent.	<p>SEC. 7. The moneys which shall from time to time be apportioned under the general school law of the state to the Pilot Mountain public school district shall be turned over by the tax collector to the treasurer of town of Pilot Mountain, and any moneys to which the said district may be entitled by reason of any special tax, gift, grant, apportionment or otherwise shall be received by the treasurer of the town of Pilot Mountain, who shall be the ex officio treasurer of the said school committee, and whose receipts for such moneys shall constitute a sufficient voucher of such payments in the hands of any person paying the same, and the said treasurer shall report monthly to the said school committee his receipts and disbursements, with all vouchers for the same. The moneys received as aforesaid shall be held by the treasurer as a separate fund, to be disposed of under the direction of the aforesaid school committee, whose warrants, signed by the chairman and countersigned by the secretary of the said committee shall be the only valid vouchers in the hands of said treasurer for the disbursements of said money in any settlement required of him by the law. The said treasurer shall furnish annually on the first Monday in July to the board of commissioners a statement in writing of his receipts and disbursements of the school money, properly and duly audited and approved by the chairman and secretary of the school committee: <i>Provided</i>, the accounts, books and vouchers of the said treasurer shall be open for the inspection of the said school committee at any time.</p>
Duties of superintendent.	
Moneys apportioned under general school law, how applied.	
Said moneys shall be held as separate fund.	
Treasurer, shall furnish annual statement.	

SEC. 8. The bond now required of the treasurer of the town to protect public funds of the town in his hands shall be in amount sufficient to include double the amount received under this act independent of the amount to secure the funds which comes into his hands. The said treasurer shall receive as compensation such commission as may be allowed by the said school committee, not to exceed two per centum of the amount actually received and disbursed

Bond of treasurer may be increased.

Compensation of treasurer.

SEC. 9. The school committee provided for by this act shall apportion the money raised or received for educational purposes in the town of Pilot Mountain as shall be just to the white and colored races without discrimination in favor of or to the prejudice of either race, due regard being paid to the cost of keeping up and maintaining the schools of both races: *Provided*, separate schools shall be established and maintained for the white and colored races.

Apportionment of money between races.

SEC. 10. That the said committee shall make to the board of commissioners annually at such times as is required under the school law of the state a report containing an accurate census of the school population of the town, showing the work done and money expended under their direction in the town of Pilot Mountain on account of public schools therein, a copy of which report shall be forwarded to the superintendent of public instruction in the state and a copy to the board of education in Surry county. The beginning and ending of the school year shall be fixed by the school committee.

Census shall be made at certain times by school committee.

SEC. 11. The school committee hereby created shall be a body corporate by the name and style of the School Committee of the town of Pilot Mountain, and by that name shall be capable of receiving gifts and grants, of making purchases 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; conveyance to said school committee shall be to them and their successors in office, and all deeds, mortgages and other agreements affecting real estate shall be deemed sufficiently executed when signed by the chairman and secretary of said committee.

School committee body corporate. Corporate title. Corporate powers.

SEC. 12. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 13. This act shall be in force from and after its ratification.

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 487.

## An act to revise and consolidate the stock law in Robeson county.

*The General Assembly of North Carolina do enact :*

Stock law territory as established, whether created by legislature or commissioners, declared valid.

SECTION 1. That such territory in Robeson county as has heretofore been declared to be under the operation of the stock law, whether by legislative enactment or by the commissioners of said county upon petition of the land owners or by popular vote shall so remain: and all elections which have been held in said county upon the question of "Stock law" or "No stock law," and all orders heretofore made by the board of commissioners thereof, declaring any part or parts of said county stock law territory are hereby declared to be valid and of binding force and effect, notwithstanding any irregularities in the election or the order or orders of said commissioners; and no live stock shall run at large in any of said territory or in any territory which may hereafter be established as stock law territory in said county, in accordance with law and the provisions of this act, under the pains and penalties prescribed in chapter twenty, volume second of The Code, the provisions in which chapter as to impounding stock running at large in any of said territory being hereby declared a part of this act, and particularly section two thousand eight hundred and sixteen and two thousand eight hundred and seventeen thereof.

Word "stock," construed.

SEC. 2. Word "stock" in this chapter shall be defined as in section two thousand eight hundred and twenty-two, volume second of The Code, and amendments thereto.

Land may be condemned for purpose of building fences.

SEC. 3. The land of any owner objecting to the building of any fence herein allowed may be condemned as provided in section two thousand eight hundred and twenty five of said chapter twenty.

Persons allowing live stock to run at large in said territory guilty of a misdemeanor.

SEC. 4. Any person allowing his live stock to run at large in any stock law territory which now exists or may hereafter exist in said county pursuant to law, shall be guilty of a misdemeanor, and upon conviction thereof shall be [fined] not exceeding fifty dollars or imprisoned not exceeding thirty days.

On petition of land owners districts may be included in said territory.

SEC. 5. That upon the petition in writing of a majority of the land owners of any district or territory in said county, whether the boundaries of said district follow township lines or not, signifying their desire to be included in stock law territory, the metes and boundaries of which shall be set forth in said petition, it shall be the duty of the board of commissioners of said county to cause four weeks' notice of the filing of said petition before them to be given at the door of the court house in Lumberton, North Carolina, and three public places in the territory to be affected,

and at their next regular meeting after the expiration of said notice they shall compare said petition with the tax lists of said county, and shall ascertain therefrom whether or not a majority of the land owners in said territory have so petitioned and enter their findings upon their records, their said findings to be final and conclusive; and if it shall appear from their said findings that a majority of the land owners in said territory have signed said petition, then and in that event the stock law shall be in force over the whole of said district, and no live stock shall run at large therein, under the pains and penalties prescribed in chapter twenty, volume second, of The Code.

Findings of commissioners final.

SEC. 6. All petitions provided for in section fifth hereof shall be filed before the board of commissioners of said county between the first Monday in January and first Monday in May of each and every year, and at no other times.

Petitions shall be filed with commissioners

SEC. 7. That it shall be the duty of the said commissioners to provide for the erection of a substantial fence around said territory, with gates across all public highways running therein, said fence to be not less than four and one half feet high, to be erected and paid for as hereinafter provided, and to be completed by January first of the year succeeding the filing of said petition and the finding of the commissioners aforesaid.

Commissioners shall provide for erection of fence.

SEC. 8. It shall be the duty of the said commissioners on the first Monday in September of each year to let out to the lowest responsible bidder the building of all fences to be erected around any territory as herein provided.

Building offences let out to lowest responsible bidder.

SEC. 9. That the said commissioners shall at the time provided by law for the levy of county taxes in each and every year levy such tax on all real property within said territory as may be necessary for the erection of said fence: *Provided*, that the same shall not exceed in any one year one half of one per centum on the one hundred dollars valuation.

Levy may be made on real property to erect such fences.

SEC. 10. That said commissioners shall in each and every year at the time prescribed by law for the levy of county taxes levy on all real property within the stock law territory in said county such tax as to them may seem necessary and proper for repair of fences around stock law territory, not exceeding in any one year one fourth of one per centum on the one hundred dollars valuation, all taxes collected from any district or territory under this section to be expended in repairs of the fences around that district or territory.

Tax levy for repair of fences.

Limitation of said levy.

SEC. 11. All contracts for the repair of stock law fences in said county shall be let out by the commissioners thereof to the lowest responsible bidder on the first Monday in January in each year, or as soon thereafter as possible.

Contract for fence repairs, how let.

SEC. 12. That said commissioners shall ascertain, as soon as may

Indebtedness of stock law territory.

Claims shall be filed.

Special levy to liquidate past debts.

List takers within stock law district required to make certain returns.

Clerk shall deliver to sheriff abstract of stock law taxes.

Taxes levied under this act, how and by whom collected.

Sheriff shall render statement of fence taxes collected.

Fence taxes, how accounted for.

be, the amount of outstanding indebtedness against the various stock law districts in said county, when created, for what purpose and to whom due; and to effectuate this purpose they shall publish a notice for four successive weeks in some newspaper published in said county requiring all persons holding or owning said past due indebtedness to file their claims duly authenticated before them at a time to be fixed by said commissioners, and any person failing to file any claim or claims held or owned by him on or by said date as hereinbefore directed shall be forever barred from the collection of the same.

SEC. 13. That for the satisfaction of any past due indebtedness now outstanding the said commissioners, at the time for levying county taxes, may levy on all the real property in any district having such indebtedness an additional tax, not to exceed one fourth of one per centum on the one hundred dollars worth valuation.

SEC. 14. That the list takers and assessors for the various townships in said county, at the time of making their returns to the board of commissioners for the purpose of levying county taxes, shall also return a statement of all real property in their respective townships within stock law territory, the value of which shall be ascertained and fixed as it is or may hereafter be by law for the levy of county taxes.

SEC. 15. That the clerk of the board of commissioners of said county, at the time of making an abstract of county taxes, shall make and deliver to the sheriff of said county an abstract of the fence taxes in said county, duly certified by said clerk, which abstract when placed in the hands of the sheriff shall have the force and effect of an execution.

SEC. 16. All taxes levied under this act shall be collected by the sheriff of said county at the same time and in the same manner as is provided by law for the collection of state and county taxes, and he shall have all the powers in the collection of the same that are or may hereafter be given to him in the collection of state and county taxes; shall receive the same fees and commissions and be subject, he and the sureties on his official bond, to the same liabilities.

SEC. 17. That at the time or times required by law for the settlement of county taxes, the sheriff of said county shall render under oath a statement to the board of commissioners showing the entire amount of fence taxes collected by him, the amount collected from each district, the balance due and from whom due.

SEC. 18. All fence taxes collected by the sheriff of said county shall be accounted for by him and paid over to the county treasurer as are other taxes.

SEC. 19. The county treasurer shall keep an account of all fence

moneys received by him, from what district or territory received, when received, and shall disburse the same only under the orders of the board of commissioners of said county, and he and the sureties on his official bond shall be liable in the same manner as he and they are for his properly accounting for and paying over county taxes.

Disbursement of  
fence taxes.

SEC. 20. All laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws  
repealed

SEC. 21. This act shall be in full force and effect from and after its ratification.

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 488.

An act to restore good government to the counties of North Carolina.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter one hundred and thirty-five of the public laws of eighteen hundred and ninety five and all amendments thereto be and the same are hereby repealed as far as the same applies to the counties hereinafter named.

Chapter 135, laws  
1895, and amend-  
ments repeal. d.  
Election of county  
commissioners  
taken from jus-  
tices of peace  
Relating to coun-  
ties county com-  
missioners and  
county govern-  
ment.  
Section 716 of  
Code amended.

SEC. 2. That chapter seventeen of The Code and all sections and subsections thereof except as herein amended be and are hereby re-enacted and declared to be in full force and effect.

SEC. 3. That section seven hundred and sixteen (716) of The Code be and is hereby amended by striking out in lines two and three thereof the words "one thousand eight hundred and eighty four" and inserting in lieu thereof the words "one thousand nine hundred "

Applicable only  
to certain coun-  
ties.

SEC. 4. That this act shall apply only to the counties of Washington, Granville, Caswell, Bertie, Vance, Warren, Craven, Edgecombe, Perquimans, Franklin, Montgomery, Pasquotank, New Hanover.

SEC. 5. That all laws and clauses of laws inconsistent with this act are hereby repealed; and all of the provisions of chapter two hundred and forty five, acts of eighteen hundred and eighty five, public laws, are hereby re enacted and revived so far as it relates to Bertie, Warren and Vance counties. This act shall not apply to existing officers, and the fourth officer under it shall be elected in June, nineteen hundred, to go into office the following December.

Conflicting laws  
repealed.

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 489.

An act to authorize the board of county commissioners of Camden county, North Carolina, to levy a special tax.

*The General Assembly of North Carolina do enact :*

Commissioners  
of Camden county  
authorized to  
levy special tax.

SECTION 1. That the board of county commissioners of Camden county be and they are hereby authorized and empowered to levy a special tax in the year eighteen hundred and ninety-nine (1899) and nineteen hundred (1900) 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 twenty cents on the hundred dollars of property and sixty cents on the poll, said tax being for the purpose of paying the indebtedness 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 and under the same penalties and within the time as the taxes levied for said county.

Purpose of tax.

SEC 2. This act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1899.

## CHAPTER 490.

An act to authorize the board of county commissioners of Cabarrus county to issue bonds.

*The General Assembly of North Carolina do enact :*

Commissioners  
of Cabarrus county  
authorized to  
order election.

SECTION 1. That the board of commissioners for the county of Cabarrus are hereby authorized to cause an election to be held at the various polling places in said county at such time as said commissioners may appoint, within twelve months from the passage of this act, and to submit to the qualified voters of said county the question of issuing bonds to the amount of (\$100,000), one hundred 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.

Bond issue.  
Amount of bonds.

Levy of special  
tax.

Election shall be  
advertised.

SEC. 2. That said election shall be advertised for thirty days immediately preceding the day of election, in some newspaper published in said county and held by inspectors and judges under the same rules and regulations provided for the election of state and county officers.

Form of ballots.

SEC. 3. 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 the words "Against bonds" thereon.

SEC. 4. Said bonds shall be used for the purpose of improving, straightening grading and macadamizing the public roads or highways of Cabarrus county, and no section of said roads or highways shall be graded, improved or straightened with said funds unless the section so graded, improved or straightened shall be immediately thereafter macadamized.

Purpose of bond issue.

SEC. 5. For the purpose of carrying into effect this act the said commissioners shall have the right to condemn right of way in the manner authorizing railroads to condemn rights of way.

Commissioners may condemn land.

SEC. 6. If a majority of the qualified registered voters of said county shall vote for bonds and the result entered of record by the said board of commissioners on their minutes and certified to by the chairman of said board, then the commissioners for said county shall issue as needed, for the purposes herein expressed, bonds not exceeding in total amount one hundred thousand dollars, and in denominations of not less than one hundred dollars (\$100) and not more than one thousand dollars, bearing interest from the date of their issue at a rate not exceeding five per centum per annum, payable semi annually at such places as said commissioners shall name, on the first day of January and July of each year.

Record of election to be made.

Denomination of bonds.

Interest.

SEC. 7. The said bonds shall be made payable thirty years from the date thereof and shall bear on their face the purpose for which they were issued. The bonds and coupons shall be numbered and shall be signed by the chairman of said board of commissioners and countersigned and attested by the treasurer of said county and bear the corporate seal of said county of Cabarrus.

Maturity of bonds.

SEC. 8. A record shall be kept by the said board in a separate book for that purpose of all bonds sold, to whom, the amount and date of sale and maturity of each bond and its number.

Record of sales of bonds.

SEC. 9. In order to pay the interest on said bonds said commissioners shall annually compute and levy at the time of levying other taxes, a sufficient special tax upon all polls, all real and personal property and other subjects of taxation for state and county purposes, always observing the constitutional equation between the tax on property and the tax on polls, not exceeding thirteen cents on one hundred dollars' valuation on property and thirty-nine cents on each poll.

Special annual tax may be levied to provide sinking fund.

SEC. 10. That said tax when collected shall be kept separate and apart from all other taxes and shall be used only for the purpose for which they were levied and collected. And any commissioner or treasurer or other person who shall by vote or otherwise appropriate said funds for any other purpose shall be guilty

Said tax shall be kept separate.

Appropriation of said fund other than as specified, unlawful.

Special tax for redemption of bonds.

Commissioners may invest such moneys.

Evidences of debt shall be executed in the name of the county.

Bonds shall not be sold for less than par.

of a misdemeanor: *Provided*, that if the sum collected in any one year shall exceed the sum required to pay the interest the same may be used in purchasing any of said outstanding bonds.

SEC. 11. For the purpose of creating a sinking fund with which to pay the principal of said bonds when due said commissioners shall at and after the expiration of twenty years after the date of said election annually levy and collect a special tax in addition to the interest tax above mentioned, equal in amount to one tenth of the total amount of bonds issued under this act, and shall continue to levy said tax till said bonds are paid.

SEC. 12. That it shall be the duty of said commissioners to annually invest any and all moneys arising from the special tax for sinking fund in the purchase of any of said bonds at a price deemed advantageous to said county by said commissioners; but in case said bonds can not be purchased 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 months prior to the date of maturity of said bonds, taking as security for the payment thereof mortgages or deeds in trust on sufficient real estate, or bonds under this act may be taken as collateral security for such loan.

SEC. 13. That notes or other evidences of debt given for any loan under this act shall be executed to and in the name of the said board of county commissioners, and the treasurer of said county shall be named as the trustee, and shall bear interest at the highest legal rate, and in case said moneys can not be loaned as above described said commissioners may deposit same with some bank or safe deposit company of undoubted solvency at the best obtainable rate of interest, and any and all interest from the investments as above directed shall be reinvested in the manner as above provided. But any county officer who shall be interested directly or indirectly in any such loan shall be guilty of a misdemeanor.

SEC. 14. *Provided further*, that said bonds shall not be sold for less than par.

SEC. 15. This act shall take effect from and after its ratification. Ratified the 6th day of March, A. D. 1899.

#### CHAPTER 491.

An act to amend chapter two hundred and eighty-eight, acts of eighteen hundred and ninety-five, public laws, relating to the spring terms of the superior courts of Bertie and Craven counties.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section five of chapter two hundred and eighty-eight of the acts of eighteen hundred and ninety five, pub-

Section 5, chapter 288, 1-w-1895 repealed.

the laws, be repealed and the following substituted therefor: For the county of Bertie, on the eighth Monday after the first Monday in March and to continue two weeks if necessary to dispose of the business; on the sixth Monday after the last Monday in September, and to continue two weeks if necessary to dispose of the business; on the third Monday in February and the second Monday in September, each to continue one week, and to be devoted to the trial of civil causes and criminal actions in which the defendants are in jail. And it shall be the duty of the judge presiding in the spring and fall term of said courts, in May and November, on Friday of the first week of each term to cause public notice to be given if the business requires the holding of court the ensuing week. And if the business has been disposed of the first week, said notice shall be given in court on said day that no court will be held during the second week, and witnesses and jurors under notice and process to attend the second week shall not attend and shall not be allowed per diem or mileage if they do so attend.

Bertie county court, when held.

SEC. 2. That section six of the said act is amended by inserting the word "tenth" in the place of the word "ninth" in the first line of said section.

Section 6 of said act amended.

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

Ratified the 6th day of March, A. D. 1899.

#### CHAPTER 492.

#### An act for the protection of oysters in Topsail sound, Pender county, North Carolina.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person to take oysters from the waters of Topsail sound, Pender county, between the twenty fifth day of February and the twenty fifth day of October for the purpose of transplanting or for sale.

Unlawful to take oysters from certain streams in Pender county between certain dates.

SEC. 2. That any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction fined not less than ten (\$10) dollars nor more than fifty (\$50) dollars or imprisoned not more than thirty days.

Violation of this act a misdemeanor.

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

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 493.

An act to amend chapter four hundred and forty-nine of the public laws of eighteen hundred and ninety-seven, the same being an act to regulate the sale of liquors in Union county.

*The General Assembly of North Carolina do enact:*

Section 7, chapter 449 laws 1897, repealed.

SECTION 1. That section seven of chapter four hundred and forty-nine of the public laws of eighteen hundred and ninety-seven, entitled "An act to regulate the sale of liquors in Union county," be stricken out and the following section be substituted therefor: Sec. 7. That it shall be the duty of the dispenser to refuse to sell any liquors to any person known to be a minor, lunatic, non compos mentis, an intoxicated person or one given to the excessive use of liquors, and if any of these persons upon being interrogated by the dispenser or his clerk, shall falsely represent himself to be a person to whom liquor can be legally sold, he shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Persons to whom liquor shall not be sold.

Section 8, chapter 449, laws 1897, repealed.

SEC. 2. That section eight of chapter four hundred and forty-nine of the laws of eighteen hundred and ninety seven be stricken out and the following inserted: Sec. 8. That the dispensary commissioners may use so much of the funds arising from the sales of liquor by the dispensary as shall be necessary to enforce this act and prevent its violation by the employment of special officers to detect its violation by offenders, and of attorneys to prosecute such persons as are charged with violating this act, who shall be paid by an order drawn on the county treasurer by said dispensary commissioners; and after the payment of the expenses of operating and maintaining the dispensary and of the expenses necessary to enforce the law and secure its observance by the citizens of the county or others, one third of the net profits from the sales of liquors shall be paid to the county public school fund, one third to the town of Monroe and one third shall be paid into the fund for paying the expenses of the chain gang worked on the public roads of Union county.

Application of certain funds to enforcement of this act.

Proceeds, how applied.

Chapter 449, laws 1897, amended.

SEC. 3. That there shall be added to chapter four hundred and forty nine of the public laws of eighteen hundred and ninety-seven a new section to be known and numbered as section fifteen, which shall read as follows: Sec. 15. That whenever the mayor of the city of Monroe or any justice of the peace of Union county shall have good reason to believe that any person within their jurisdictions has knowledge of any illicit sale of spirituous or fermented liquors within their jurisdictions, and such person does not make voluntary information thereof on oath, then it shall be

Persons having information regarding illicit sales.

lawful for and the duty of the mayor of the city of Monroe or any justice of the peace of said county to issue to the chief of police of the city of Monroe or to the sheriff of Union county or to any constable of the township in which such illicit sale was made, a subpoena ad testificandum or summons in writing, commanding such person to appear immediately before said mayor or justice of the peace and give evidence on oath as to what he may know touching any illicit sale of spirituous or fermented liquors and the name or names of the person or persons making such illicit sale, and such evidence when obtained shall be considered and held in law as an information on oath, and said mayor or justice shall issue proper process for the arrest and prosecution of the person alleged to have made such illicit sale of spirituous or fermented liquors.

SEC. 4. That section ten of chapter four hundred and forty-nine of the public laws of eighteen hundred and ninety seven be amended by striking out of said section in line eight thereof the words, "the names of the person to whom sold." Sec. 10 amended.

SEC. 5. That section four of said chapter be amended by striking out in lines twenty-six and twenty seven the words "together with all applications on which the sales have been made, which shall be the vouchers for such sales." Sec. 4 amended.

SEC. 6. That section fourteen of said chapter be amended by striking out all of said section fourteen after the word "persons" in line seven. Sec. 14 amended.

SEC. 7. That said chapter four hundred and forty-nine of the public laws of eighteen hundred and ninety-seven be amended by adding a new section to said chapter, to be known and numbered as section sixteen as follows: Sec. 16 That the dispenser or manager of any dispensary in Union county shall sell spirituous or fermented liquors at other than the times for making such sales as provided in said chapter, and at any time, upon the general prescription of a practicing physician known by the dispenser or manager to be of reputable standing in his profession, which prescription shall be in writing, signed by such physician, and shall specify the name of the person to be supplied and the quality and kind of liquor to be supplied, but no physician shall give a prescription to any person except for bona fide medical purposes and in good faith to a patient of the physician giving the prescription. Every dispenser or manager shall keep on file every prescription upon which any such sale was made, and shall number each prescription, and shall also keep in a book prepared for that purpose a record of all prescriptions, which book shall be at all times open to the inspection of the public, and shall contain the name of the physician giving the prescription and the number of such prescription. Any dispenser or Chapter 449 amended.

**Manager may sell whiskey on prescription of physician.**

**When physicians may give prescriptions.**

manager of a dispensary in said county who shall knowingly sell such liquors on a bogus prescription, and any physician or other person who shall give, procure or aid in procuring any false or fraudulent prescription for any spirituous or fermented liquors in violation of the provisions of this act shall be guilty of a misdemeanor, and on conviction shall be fined or imprisoned at the discretion of the court.

Violation of provisions of this act a misdemeanor.

Secs. 15 and 16 renumbered.

SEC. 8. That sections fifteen and sixteen of said chapter four hundred and forty-nine of the public laws of eighteen hundred and ninety seven be renumbered and that sections fifteen and sixteen of said chapter be known and numbered as sections seven-teen and eighteen respectively.

Conflicting laws repealed.

SEC. 9. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

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

Ratified the 6th day of March, A. D. 1899.

#### CHAPTER 494.

##### An act to amend section two thousand three hundred and twenty of The Code

*The General Assembly of North Carolina do enact:*

Sec. 2320 of Code amended.

SECTION 1. That section two thousand three hundred and twenty of The Code of North Carolina be and the same is hereby amended by adding thereto the following: "And any person or persons who may drive or cause to be driven any cattle from any point east of the Blue Ridge in North Carolina to any point in Yancey county at any time for the purpose of ranging them during the next summer in said county shall be guilty of a misdemeanor and fined or imprisoned in the discretion of the court.

Conflicting laws repealed.

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

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

Ratified the 6th day of March, A. D. 1899.

#### CHAPTER 495.

##### An act to amend section three thousand four hundred and ten of The Code.

*The General Assembly of North Carolina do enact:*

Sec. 3410 of Code repealed so far as Cape Fear river in Harnett county is affected. Proviso.

SECTION 1. That section three thousand four hundred and ten of The Code of North Carolina be repealed so far as it applies to the Cape Fear river in Harnett county: *Provided*, that sluice-

ways for the free passage of fish shall be provided in all dams built upon said river in Harnett by the owner according to plans and specifications provided by the board of agriculture, and shall not injure the water power of said owner.

Ratified the 6th day of March, A. D. 1899.

#### CHAPTER 496.

An act to permit the qualified voters of the town of Morganton to vote both upon the question of licensing saloons and selling liquors only through a dispensary.

*The General Assembly of North Carolina do enact :*

SECTION 1. That at the time of the annual election for mayor and commissioners or aldermen of the town of Morganton, in Burke county, in May, eighteen hundred and ninety-nine, it shall be the duty of the officers charged with the duty of providing for the holding said election and of the officers appointed to hold and conduct it, to provide two ballot boxes in addition to that wherein the vote for officers of said town shall be deposited, in one of which the qualified voters of said town shall, if so disposed, deposit ballots, whereon shall be written "For prohibition" or "Against prohibition," and in the other of which boxes shall be deposited by said qualified voters tickets whereon shall be written either "For dispensary" or "Against dispensary."

Two ballot boxes shall be provided at time of annual election.

Form of ballots.

SEC. 2. That if a majority of the votes cast shall be "Against prohibition," and at the same time it shall also appear that a majority of the votes cast in the other box shall be in favor of a dispensary, and not otherwise, then a dispensary shall be established in the said town of Morganton on the first day of July of the year eighteen hundred and ninety nine.

When dispensary shall be established.

SEC. 3. That the officers charged with the duty of holding said election shall be required to count the votes cast in each of said boxes and to certify the result to the clerk of the court of said county of Burke, and that thereupon the provisions of chapter three hundred and seventy five of the public laws of North Carolina of eighteen hundred and ninety seven, entitled "An act to provide a dispensary for the town and townships of Louisburg, Franklin county," shall be in full force and effect in the said town of Morganton and in Morganton township, in said county, just as though said act had been herein re enacted with the town of Morganton substituted therein for the town of Louisburg whenever it occurs in said act, and the county of Burke likewise substituted therein for the county of Franklin, except the dispen-

Officers in charge of election shall certify to result.

Application of profits if dispensary is established.

sary is not to be established in said town of Morganton before the first day of July next, and except that the net profits realized from the sales made at said dispensary shall be divided as follows, viz: One fourth or twenty five per centum shall be paid over to the board of education or the officers entrusted by law with the duty of disbursing the school funds of said county, and shall be divided in the same proportions as the other school fund of said county to the various common schools of Morganton township, and the remaining three fourths of said profits shall be paid over under the direction of the board of dispensary commissioners to the said town of Morganton, and shall be applied, one-third of the sum so paid over or twenty five per centum of said profits, to the support of the public schools of Morganton or of a graded school if hereafter established in said town, and the remaining two thirds of the fund so received by the town or one-half of the said net profits shall be applied by the authorities of said town to the improvement of the streets and sidewalks, without discriminating for or against any one of the said streets which bound the public square in which the court-house in said town is located.

When this act is effective.

SEC. 4. That this act, except as hereinbefore stated, shall be in force from and after its ratification, and it shall be the duty of the mayor and commissioners of said town to publish in a newspaper or newspapers published in said town a notice that an election shall be held as herein provided for at least six weeks before the time appointed for holding said election.

Ratified the 6th day of March, A. D. 1899.

#### CHAPTER 497.

#### An act to amend section three thousand seven hundred and ninety-seven of The Code.

*The General Assembly of North Carolina do enact :*

Sec. 3797 of Code amended.

SECTION 1. That section three thousand seven hundred and ninety seven of The Code be and the same is hereby amended by striking out the word "Monday" in line three thereof and inserting the word "Tuesday" in its stead: *Provided*, This act shall only apply to the town of Winton, in the county of Hertford, and the town of Nashville, in the county of Nash, and the town of Windsor, in the county of Bertie.

Proviso.

Applicable only to certain towns.

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 498.

An act to regulate the sale of spirituous liquors in the town of Beaufort, in Carteret county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the board of commissioners for the town of Beaufort, in Carteret county, are hereby authorized and empowered to annually levy and collect from all persons retailing spirituous liquors in said town a tax of not less than one hundred dollars nor more than five hundred dollars as a privilege tax for carrying on said business.

Commissioners of Beaufort authorized to levy and collect liquor license

SEC. 2. Any person retailing spirituous liquors in said town without first paying the tax imposed by said board of town commissioners shall be guilty of a misdemeanor, and upon conviction thereof may be fined or imprisoned at the discretion of the court.

Retailing without license a misdemeanor.

SEC. 3. This act shall not apply to druggists selling such liquors upon the prescription of a practicing physician for medical purposes.

Druggists exempted from provisions of this act.

SEC. 4. This act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1899.

## CHAPTER 499.

An act to amend an act entitled "An act to authorize the board of commissioners of Beaufort county to issue bonds and levy a special tax center," being chapter two hundred and forty-five of the laws of eighteen hundred and ninety-seven, and ratified the fifth day of March, eighteen hundred and ninety-seven.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section one, chapter two hundred and forty-five, of the laws of eighteen hundred and ninety seven, ratified the fifth day of March, eighteen hundred and ninety seven, being an act entitled "An act to authorize the board of commissioners of Beaufort county to issue bonds and levy a special tax center," be and the same is hereby amended as follows, to wit: Strike out the word "two" (2) in line eighteen (18) of said section and insert the word "three" (3) in the place thereof; and by inserting the words "eighteen hundred and ninety nine" (1899) in line twenty (20) between the words "eighteen hundred and ninety-eight" and the word "not."

Sec. 1, chap. 245, laws 1897 amended.

SEC. 2. This act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1899.

## CHAPTER 500.

An act to authorize the board of commissioners of Burke county to build a bridge across the Catawba river, where said river is the county line, if they deem it necessary.

*The General Assembly of North Carolina do enact :*

Commissioners of Burke county authorized to build a bridge.

SECTION 1. That the board of commissioners of Burke county are hereby authorized and empowered to build and erect a bridge, if they deem it proper to do so, across the Catawba river separating the counties of Burke and Caldwell at such point near to Connelly's Springs as they may deem fit and suitable.

Said commissioners may pay entire cost.

SEC. 2. That notwithstanding the provisions of subsection ten (10) of section seven hundred and seven (707) of The Code of North Carolina, the said board of commissioners of Burke county may pay the entire cost of erecting such bridge or may by agreement with the board of commissioners of Caldwell county divide and apportion the cost of erecting the same between the counties of Burke and Caldwell as they may deem fit: *Provided*, that nothing contained in this act shall be construed to prevent the application of any fund accruing from tolls for floating logs or lumber under the provisions of chapter three hundred and eighty-eight of The Code of eighteen hundred and ninety-seven to the county of Caldwell to the building of some bridge: *And provided*, that any such fund, if it should accrue, shall be applicable for the purpose of reimbursing Burke county for any bridge built under the provisions of this act.

Proviso.

Application of fund accruing from tolls for floating logs

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 501.

An act to amend section three thousand six hundred and sixty-four of The Code.

*The General Assembly of North Carolina do enact :*

Section of The Code requiring registers to keep index, amended.

SECTION 1. That section three thousand six hundred and sixty-four of The Code be and the same is hereby amended by adding at the end thereof the following words: "That he shall, within twenty four hours after recording any such instrument, index the same as above provided. Any register of deeds failing to comply with the provisions of this section shall be guilty of a misdemeanor."

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 502.

An act to change and regulate the times of holding the superior courts of the twelfth judicial district.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the subdivision of the first section of chapter one hundred and eighty of the public laws of eighteen hundred and eighty-five, beginning at the second line from the bottom of page three hundred and forty and ending at the fifth line from the bottom of page three hundred and forty-one of the acts of eighteen hundred and eighty-five, and the acts amendatory thereof, be and the same hereby are amended so as to read as follows:

Twelfth district—Madison—The sixth Monday before the first Monday in March, to continue two weeks, and the sixth Monday before the first Monday in September, to continue three weeks. Portion of chap-  
180. public laws  
of 1885, amended.

Buncombe—The fourth Monday before the first Monday in March and the third Monday before the first Monday in September, each to continue three weeks, and the eighth Monday after the first Monday in March and the tenth Monday after the first Monday in September, each to continue two weeks. Time of holding  
Madison court.

Transylvania—The first Monday before the first Monday in March and the first Monday in September, each to continue two weeks. Buncombe  
courts.

Haywood—The second Monday in March and the second Monday after the first Monday in September, each to continue two weeks. Transylvania  
courts.

Jackson—The third Monday after the first Monday in March, to continue two weeks, and the fourth Monday after the first Monday in September, to continue one week. Haywood courts.

Macon—The fifth Monday after the first Monday in March, to continue two weeks, and the fifth Monday after the first Monday in September, to continue one week. Jackson courts.

Clay—The seventh Monday after the first Monday in March, and the sixth Monday after the first Monday in September, each to continue one week. Macon courts.

Cherokee—The tenth Monday after the first Monday in March and the seventh Monday after the first Monday in September, each to continue two weeks. Clay courts.

Graham—The twelfth Monday after the first Monday in March and the ninth Monday after the first Monday in September, each to continue one week. Cherokee courts.

Swain—The thirteenth Monday after the first Monday in March, to continue three weeks, and the twelfth Monday after the first Monday in September, to continue two weeks. Graham courts.

Conflicting laws repealed

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

When effective.

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 503.

An act to authorize the commissioners of Caldwell county to build a jail.

*The General Assembly of North Carolina do enact :*

Commissioners of Caldwell county empowered to issue bonds Limitation.

SECTION 1. That the board of county commissioners of Caldwell county shall have full power and authority to issue and sell coupon bonds to an amount not exceeding eight thousand dollars, to be due one tenth every year for ten years, bearing interest at the rate of six per centum per annum, and to be of the denominations of fifty, one hundred, two hundred and fifty and five hundred dollars, in such proportion for each year when the same shall mature as the said county commissioners may determine; said bonds to have coupons attached for the amount of interest due annually, which shall be received by the sheriff or tax collector of said county in payment of county taxes at any time after maturity of the same: *Provided*, that the bonds so issued shall not be sold for less than par value: *And provided further*, that the proceeds of the sale of such bonds shall be applied exclusively to the construction and equipment of a common jail for said Caldwell county.

Denominations of bonds.

Special annual tax may be levied to create sinking fund.

SEC. 2. It shall be the duty of the board of county commissioners of said county to provide for the prompt payment of the bonds and coupons provided for in section one of this act upon their maturity, and for this purpose they are hereby authorized and empowered to levy a special tax annually for ten years (the first levy to be made in the year eighteen hundred and ninety-nine) in such amount upon property and poll as shall be necessary to pay said bonds and coupons as they fall due, and which shall be collected at the same time and in the same manner as the general taxes: *Provided*, that in the levy of the same they shall observe the constitutional equation between the tax on the property and the poll.

Commissioners may sell present jail.

SEC. 3. That the said commissioners of said Caldwell county are authorized in their discretion to sell the present jail and site thereof upon such terms as they may deem best and apply the proceeds thereof to the purchase of another site for a new jail and

the construction of such jail if necessary, or to the payment of the bonds due and coupons herein provided for.

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

Ratified the 6th day of March, A. D. 1899.

#### CHAPTER 504.

##### An act to establish Washington avenue supplemental school district.

*The General Assembly of North Carolina do enact:*

SECTION 1. That all the territory embraced in the following boundaries: Beginning at the northwest corner of lot number forty nine of the Sunny South colony tract, running thence east along the northern boundary of said lot to the southwest corner of G. W. Babson's land; thence with Babson's line to the northeast corner of Babson's tract, so as to include said Babson's tract; thence along the northern boundary of James Newman's land to Chadbourn township line; thence south along the east line of said township to the southeast corner of M. M. Walker's land; thence westwardly along the south line of the tracts of land belonging to M. M. Walker, P. A. Cowen, E. W. Millican and B. S. Fisher to the south line of Williamson or Jennings land to the line of the Chadbourn supplemental school districts; thence with said line to the beginning, shall be and is hereby constituted a public school district and shall be called "the Washington avenue supplemental district."

School district created.

SEC. 2. That the board of commissioners of Columbus county, upon the written application of a majority of the board of trustees of said school district, is hereby authorized and directed to submit on the first Tuesday in May, eighteen hundred and ninety-nine, and any year thereafter, to the qualified voters of said school district embraced in said county of Columbus under such rules and regulations as exist for the election of members of the general assembly, the question whether an annual tax shall be levied therein for the support of supplemental public schools for white and colored of said district. Each voter shall vote a written or printed ballot with the words "For schools" or "No schools" thereon.

Commissioners, on written application, authorized to order election.

Purpose of election.

SEC. 3. That in the event a majority of the qualified voters of said district shall vote in favor of such tax the same shall be levied by the board of commissioners of Columbus county and collected in the same manner as provided by law for the levying and collecting of state and county taxes. The sheriff of Columbus

Special school tax, now collected.

county shall collect the taxes of said school district and pay over the same to the treasurer of Columbus county under the same liabilities as are now provided by law for the collection and paying over of county school taxes: *Provided*, that the special tax so levied and collected shall not exceed thirty cents on each one hundred dollars worth of real and personal property and ninety cents on each poll in said district.

Proviso.

Limitation to special tax.

Commissioners shall appoint three freeholders to assess land.

SEC. 4. That in order to ascertain the value of lands and other real property situated in said school district, when the whole of said lands and other real property does not lie in said school district but part in another 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 taxes, 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, and in all cases where the whole of any lands or other property lies within the boundaries of said school district the value of the same as assessed for state and county taxes shall be the basis upon which taxes shall be levied under this act for school purposes.

Said special taxes, how expended.

SEC. 5. That the special taxes thus levied and collected from the taxable property and polls of said school district shall be expended in keeping up public schools in said district for the white and colored races of both sexes between the ages of six and twenty-one years of age, and the said special taxes shall be so used and expended as to give to the children of each race an equal number of months of school.

Board of trustees appointed.

SEC. 6. That M. F. Leonhart, G. W. Babson and E. A. Pipher be and they are hereby constituted a board of trustees for said school district and shall hold their offices till the first Tuesday in May, eighteen hundred and ninety nine, and until their successors are duly elected and qualified as hereinafter set out, and they are hereby authorized and directed to establish at least two public schools in said district, one distinct and separate and apart for the white race, and the other separate and apart for the colored race. That said board shall have power to fill all vacancies that may occur in said board during the year, to employ teachers and do all such acts as may be necessary to carry on said schools and shall receive no compensation for their services.

Power of board to fill vacancies.

Annual election of trustees.

SEC. 7. That there shall be held annually on the first Tuesday in May an election in said school district under the same rules as now exist or may be hereafter established for the holding of elections in the county of Columbus, at which there shall be elected by the qualified voters of said school district three school trus-

tees, who shall hold their offices for one year and till their successors are duly elected and qualified.

SEC. 8. That the per capita part of the school fund of the county raised under the general school law shall be applied to keeping up the public schools established by this act in said district and shall be by said board of trustees disbursed as set on [out] in section five of this act.

Fund raised under general school law, how applied.

SEC. 9. That no trustee of said school shall while acting as such be a teacher therein.

No trustee shall be a teacher in said school.

SEC. 10. That the board of trustees are authorized and empowered to purchase and hold for the purposes of said schools, buildings and suitable grounds or to purchase suitable lots and erect buildings thereon within the corporate limits of the Washington avenue supplemental school district and pay for the same out of the public school money for said district: *Provided, however,* that said schools shall not be located nearer each other than five hundred yards.

Trustees may hold land, etc.

SEC. 11. That the board of trustees aforesaid and their successors may admit as pupils in said schools children who reside out of the boundaries of said school district upon the payment of such [sum] as shall be fixed by said board of trustees.

Pupils who may be admitted to schools.

SEC. 12. 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 requirements of public schools, the said prices to be paid by the pupils resident in said school district, and such others as may be admitted under the provision of section eleven.

May fix scale of prices for extra subjects taught.

SEC. 13. That the said board of trustees shall have the right to assess each pupil of the said district in a sum not exceeding for each term of public school for incidental and other purposes.

Pupils may be assessed for incidentals.

SEC. 14. That the board of trustees of said school district shall not be subject to any restrictions or limitation as to the salary of teachers employed by them prescribed by any law or statute, but may pay the teachers employed such compensation as the board of trustees may deem just and proper.

Teachers and their salaries.

SEC. 15. That this act shall be in force from and after its ratification

Ratified the 6th day of March, A. D 1899.

## CHAPTER 505.

**An act for the relief of J. N. Edwards, clerk superior court of Alleghany county, North Carolina.***The General Assembly of North Carolina do enact :*

J. N. Edwards  
relieved from cer-  
tain require-  
ments.

SECTION 1. That J. N. Edwards, clerk of the superior court of Alleghany county, be and he is relieved from complying with sections eighty and one hundred and fourteen of The Code for three consecutive Mondays in one of the spring or summer or fall months during this year, and that he may be away from his office three consecutive weeks.

Shall provide a  
deputy.

SEC. 2. That he must keep a deputy at his office in his absence.

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 506.

**An act to repeal the railroad commission.***The General Assembly of North Carolina do enact :*

Chapter 320, pub-  
lic laws of 1891,  
and acts amend-  
atory thereof, re-  
pealed.

SECTION 1. That chapter three hundred and twenty of the public laws of eighteen hundred and ninety-one and all acts amendatory thereof or supplementary thereto be and they are hereby repealed.

SEC. 2. That this act shall be in force from and after April fourth, eighteen hundred and ninety nine.

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 507.

**An act to regulate elections.***The General Assembly of North Carolina do enact :*

Time of holding  
election for state  
officers.

SECTION 1. That on the first Thursday in August, in the year of our Lord nineteen hundred, and every four years thereafter, an election shall be held in the several election precincts in each county for the following officers: Governor, lieutenant governor, secretary of state, auditor, treasurer, superintendent of public instruction, attorney general [and] other state officers whose terms last for four years.

And on the first Thursday in August, in the year aforesaid, and every two years thereafter, an election shall be held for

members of the general assembly for their respective counties and districts, a register of deeds, county surveyor, coroner and sheriff for their respective counties; and county commissioners, where the county commissioners are elected by the people; and in such counties as have one, a county treasurer.

Election of members of general assembly and county officers.

SEC. 2. That on the first Thursday in August, in the year of our Lord nineteen hundred and two, and on said date every four years thereafter, an election shall be held in each county for the office of clerk of the superior court.

Election for clerk of superior court.

SEC. 3. That on the first Thursday in August, in the year of our Lord nineteen hundred, and on said date every two years thereafter, an election shall be held in each township for the offices of constable and justices of the peace in such counties as elect them by a vote of the people.

Election for constables and justices of the peace

SEC. 4. That there shall be a state board of elections, consisting of seven discreet persons, who shall be electors elected by the general assembly at its present session and whose term of office shall continue until the next regular meeting of the general assembly in the year nineteen hundred and one, and until their successors are elected and qualified. And the legislature shall biennially at its regular sessions thereafter elect seven discreet persons, who shall be electors, to constitute said board.

State board of elections created.

How elected.

SEC. 5. That there shall be in every county in the state a county board of elections, to consist of three discreet persons, who are electors in the county in which they are to act, who shall be appointed as hereinafter provided by the state board of elections at least three months before the next general state election and biennially thereafter, and whose term of office shall continue for two years from the time of their appointment and until their successors are elected and qualified, unless sooner removed therefrom as hereinafter provided.

County board of elections.

How appointed.

Term of office.

SEC. 6. That the state board of elections shall meet in the city of Raleigh on the first Monday in May, eighteen hundred and ninety-nine, and organize by electing one of their number chairman and another secretary. And any vacancy occurring in said board during a recess of the legislature shall be filled by the remaining members of said board, and the person so chosen shall remain in office until the end of the term of office of the person in whose stead he was chosen. The state board of elections shall meet in Raleigh on the first Monday in April in each year in which there is to be held a general election and the chairman of said board may call such special meetings of said board as may be necessary to discharge the duties and functions imposed upon the board by this act at such times and places as he may appoint. And the members of the said board shall each receive in full compensation for their services four dollars per day for the time they

Meeting of state board of elections.

Vacancies occurring.

Annual meetings of said board.

Special meetings.

Compensation of members of board.

are actually engaged in the discharge of their duties, together with their actual travelling expenses, to be paid by the treasurer of the state upon the warrant of the auditor: *Provided*, that the chairman shall call a meeting of the board upon the application in writing of any two members thereof.

SEC. 7. That it shall be the duty of the county board of elections in each county to appoint all registrars and judges of election in their respective counties.

SEC. 8. That the state board of elections shall have power to remove from office any member of the county board of elections for incompetency, failure of duty or for any other satisfactory cause. When any member of the county board of elections shall be removed by the state board of elections the vacancy thus created shall be filled by the state board of elections. Vacancies occurring in the county board of elections for other causes than removal by the state board of elections shall be filled by the remaining members thereof.

SEC. 9. That the county board of elections shall have power to remove any registrar or judge of election appointed by them for incompetency, failure to qualify within the time prescribed by law, failure to discharge the duties of office after qualifying, or for any other satisfactory cause. That if any member of the county board of elections or any registrar or judge of election after having been removed as hereinbefore provided and notified thereof shall continue to exercise the duties of the position from which he has been removed he shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days.

SEC. 10. That it shall be the duty of the county board of elections to meet in their respective counties not later than the first Monday in May, in the year of our Lord nineteen hundred, and biennially thereafter, and after organizing by electing one of their number chairman and another secretary, to divide their respective counties into election precincts and fix the places of polling in the several election precincts. They may adopt the present division of their county into election precincts, or they may establish entirely new precincts or they may alter the present precincts, but the election precincts and precinct polling places as now fixed in each county shall remain as they now are until altered. And in case of any alteration of the election precincts or polling places therein they shall give twenty days' notice thereof in some public journal or in lieu thereof in three public places in such county and at the court house door. And the said county board of elections shall have power from time to time, after dividing their county into election precincts, to establish, alter, discontinue or create such new precincts of election in their

To be paid by treasurer.  
 Proviso  
 Chairman shall call meeting on application of two members  
 County boards shall appoint registrars and judges  
 Members of county board may be removed.

Vacancies created in county boards.

County board empowered to remove registrars and judges.

Members removed and continuing to exercise duties of office guilty of a misdemeanor.

Meeting of county board.

Division of counties into precincts.

Alteration of precincts  
 Twenty days' notice required.

Discontinuance and change of precincts.

respective counties as they may deem expedient, giving twenty days' notice thereof by advertising in some public journal or in lieu thereof in three places in such county and at the courthouse door. If any polling place is changed in any precinct, like advertisement of such change shall be given; and there shall be at least one polling place in every township, as nearly central as possible. The said county board of elections shall make their requisition upon the secretary of state for such books, blanks and stationery as may be necessary for the registration of voters and holding elections in their respective counties. And if the secretary of state shall fail to provide said book, blanks or stationery before the first day of June before every general election, it shall be the duty of the said board to provide the same at the expense of the state.

SEC. 11. That before the next general election on the first Thursday in August, in the year of our Lord nineteen hundred, provided for in this act, there shall be an entirely new registration of all persons who shall be entitled to register in every voting precinct in the state, and only such persons as are registered shall be entitled to vote in any election held under this act. That in all cases the applicant for registration shall be sworn by the registrar before being registered and shall state and answer his age, place of residence, stating ward if he resides in an incorporated town or city, number of his house if numbered, and if not numbered then a designation of its locality by streets; and if not the owner, then the name of the owner or renter. If not a resident of an incorporated town or city he shall then state his place of residence in the election precinct; and if he is not the owner of the house in which he lives then he shall state the name of the person who does own the same or upon whose land he lives; the time of his residence in said county, ward or election precinct; his avocation, place of business, where and by whom employed if employed; if a new comer from whence he comes, and his post-office address before removal; whether he has been disqualified as a voter by judgment or decree of any court, if so by what court reinstated; whether he has listed for taxation his poll for the current year in which he proposes to register, and for the year next preceding, if liable to pay a poll tax, and any other questions which may be regarded by the registrar as material upon the question of the identity and qualification of the said applicant to be admitted to registration. ¶ The registrar may require the applicant to prove his identity or age and residence by the testimony of at least two electors under oath. And the statements made by the applicant for registration in answer to any of these questions shall be evidence against him in any proceedings for false or fraudulent registration. And the registrar shall record

At least one polling place in each precinct.

County boards shall make requisition on secretary of state for necessary books, etc.

New registration before next general election.

Applicant for registration shall be sworn.

Questions.

When not a resident of town or city.

Whether or not tax has been listed.

Other questions regarded material.

Registrar may make certain requirements.

Record of registrar.

the full name by which he is known, his age, occupation, place of birth and place of residence of said elector, the name of the post-office, township, county or state from whence the elector has removed, in the event of a removal; by whom employed, if employed; whether he has listed his poll for taxation for the current year in which he applies for registration and for the year next preceding, if liable to pay a poll tax, in the appropriate column of the registration books, and the registration books containing the said record shall be evidence against the applicant in any court of law in a proceeding for false or fraudulent registration.

Registration book shall be evidence against person registering in proceeding for false registration.

And thereupon if the said registrar shall adjudge the applicant to be duly qualified and entitled to be registered as an elector he shall register the name of the applicant, giving his race opposite to his name on the registration books: *Provided*, that nothing herein contained shall prevent any elector or judge of election on

Proviso.

Right to challenge.

the day of election and when the elector presents himself to vote from challenging the right of the elector to vote. If an elector has previously been admitted to registration in any ward, township or precinct in the county in which he resides he shall not be

Entitled to register only in one precinct.

entitled to register again in another ward, precinct or township in the same county until he produces a certificate of the registrar

Shall produce certificate of removal.

in the former township, ward or precinct that his name has been erased from the registration books of the ward, precinct or township from which he has removed, and the identity of any person

Oath of elector.

claiming the right to be registered in any precinct of the same county by virtue of said certificate with the person named therein shall be proven by the oath of the claimant, and when required

by the registrar by the oath of at least one other elector. Every person found and adjudged by the registrar qualified as an elector shall take the following oath: "I do solemnly swear (or affirm)

that I will support the constitution of the United States and the constitution of the state of North Carolina; that I have been a resident of the state of North Carolina for twelve months and of the county of ----- for ninety days; that I am twenty-one years

of age; that I have not registered for this election in any other ward, precinct or township; that I am the identical person I represent myself to be, and that I am a bona fide resident of -----

precinct. So help me, God." And thereupon the said person shall be entitled to register. That if any applicant for registration who is permitted to register shall confess upon his examination

Bill of indictment shall be drawn against persons who have not listed their poll tax.

under oath at the time he is admitted to registration that he has not listed his poll for taxation for the current year, if the time of his said application is after the time fixed by law for listing

taxes in that year, or if he shall admit that he did not list his poll for taxation for the year next preceding, it shall be the duty of the registrar to certify said fact or facts to the clerk of the supe-

rior court of his county, and the said clerk shall hand such certificate to the solicitor for the district at the next term of the superior court, and the solicitor shall without delay draw and send to the grand jury a bill of indictment against such elector so registering for failure to list his poll tax. And if any applicant shall falsely swear he has listed his poll for taxation he shall be guilty of perjury and punished as prescribed by law: *Provided*, that the answer of the delinquent, that he has not listed his poll for taxation, shall not be used against him in any criminal proceeding for a failure to list his poll; but it shall be the duty of the solicitor to whom said name is certified, if he shall be satisfied that said alleged delinquent elector is liable to list his poll and that he has failed to do so as required by law, to send a bill of indictment against such delinquent to the grand jury for failure to list his poll.

Applicants falsely swearing guilty of perjury. Proviso.

Answer shall not be used in certain proceedings.

When solicitor shall send in bill of indictment.

SEC. 12. If the applicant for registration is an Indian, his name shall appear in a separate column from the column for the names of the white and colored persons.

Names of Indians shall appear in separate column.

SEC. 13. No elector shall be entitled to register or vote in any other precinct, ward or township than the one of which he is a resident on the day of the election, and no person who is in this state for a temporary purpose shall be considered a resident of the ward, township or precinct in which he is sojourning for the purpose of registration or voting.

Precinct in which elector is entitled to register.

SEC. 14. The county board of elections of the several counties shall select, on or before the first Monday in June, in the year of our Lord nineteen hundred, and biennially thereafter, one person for each election precinct, who shall act as registrar of voters for such township, ward or precinct. The said county board of elections shall make publication of the names of the persons so selected at the court-house door immediately after such appointment and shall cause a notice to be served upon said persons by the sheriff. If any registrar shall fail to perform the duties of his office and for that or any other cause be removed from office or shall die or resign, or if there shall for any other cause be a vacancy in said office the chairman of the county board of elections may appoint another in his place, and no person who is a candidate for office shall be a registrar or judge of election.

Appointment of registrars.

Names of registrars shall be published.

Vacancies occurring among registrars.

No candidate shall be a registrar.

Registration books.

SEC. 15. That the registrar of each township, ward or precinct shall be furnished with a registration book prepared as hereinbefore provided, and it shall be his duty, between the hours of nine o'clock a. m. and sunset on each day (Sunday excepted) for twenty days preceding the day for closing the registration books as hereinafter provided to keep open said books for the registration of any electors residing within such township, ward or precinct and entitled to registration. That the said books shall be

Books shall be kept open twenty days.

Registrar shall attend each Saturday during period of registration.

Hours of registration.

Books shall be opened for inspection.

Challenges.

Registrars and judges shall hear challenges.

Proviso.

Persons may be challenged at other times.

Appointment of judges of election.

Shall be sworn.

Registrars and judges shall certify result.

closed for registration at sunset on the second Saturday before each election. That on each Saturday during the period of registration the registrar shall attend with his registration books at the polling place of his precinct or ward for the registration of voters.

SEC. 16. It shall be the duty of the registrar to attend at the polling place of his township or precinct with the registration books on the Saturday preceding the election, from the hour of nine o'clock a. m. till the hour of five o'clock p. m., when and where the said books shall be open for the inspection of the electors of the precinct or township, and any of said electors shall be allowed to object to the name of any person appearing on said books. In case of any such objection the registrar shall enter upon his books opposite the name of the person so objected to the word "challenged," and shall appoint a time and place on or before the election day when he, together with said judges of election, shall hear and decide said objection, giving personal notice of such challenge to the voter so objected to; and if for any cause personal notice can not be given, then it shall be sufficient notice to leave a copy thereof at his residence: *Provided*, nothing in this section shall prohibit any elector from challenging or objecting to the name of any person registered or offering to register at any time other than that above specified. If any person challenged or objected to shall be found not duly qualified the registrar shall erase his name from the books.

SEC. 17. The county board of elections for each county on or before the first Monday in July, in the year of our Lord nineteen hundred, and biennially thereafter, shall appoint two persons who shall act as judges of election at each place of holding elections in their respective districts, each of whom shall be men of good character and able to read and write, and they shall be of different political parties. The said judges of elections shall attend at the polling places for which they are severally appointed on the day of election, and they, together with the registrar for such voting township, ward or precinct, who shall attend with the registration books after being sworn by some justice of the peace or other person authorized to administer oaths, to conduct the election fairly and impartially, according to the constitution and laws of the state, shall open the polls and superintend the same until the close of the election. They shall keep poll books, in which shall be entered the name of every person who shall vote, and at the close of the election the said registrar and judges of election shall certify the same over their proper signatures and deposit one copy thereof with the register of deeds and another with the chairman of the county board of elections for safe keeping. And said poll books shall in any trial for illegal and fraud-

ulent voting be evidence. The county board of elections shall immediately after the appointment of the judges of election as herein provided, furnish a list of the names of such judges to the sheriff of their county, who shall within ten days serve notice of such appointment upon said judges; and if any person appointed judge of election shall fail to attend the registrar of the township, ward or precinct shall appoint some discreet person to act in his stead, who shall be by him sworn before acting. And if the registrar shall fail to appear then the judge or judges of election appearing may appoint another to act as registrar, who shall be sworn by him or them before acting. And any registrar or judge of election appointed as above provided in the place of a registrar or judge of election failing to attend at the polling place on the day of the election shall be of the same political party as the registrar or judge of election whose place he is appointed to fill.

Poll books shall be evidence in trials for fraud.

Sheriff shall notify judges of election.

Judges may appoint another registrar.

SEC. 18. The following classes of persons shall not be allowed to register or vote in this state, to wit: First, persons under twenty-one years of age; second, idiots and lunatics; third, persons who upon conviction or confession in open court shall have been adjudged guilty of felony or other crime infamous by the laws of this state committed after the first day of January in the year of our Lord eighteen hundred and seventy-seven, unless they shall have been legally restored to the rights of citizenship.

Persons not allowed to vote.

Minors, idiots and lunatics, felons.

SEC. 9. Subject to the foregoing exceptions every male person born in the United States and every male person who has been naturalized, twenty-one years of age, who shall have resided in the state twelve months next preceding the election and ninety days in the county in which he offers to vote, shall be a qualified elector in the precinct or township in which he resides; and all electors shall register and vote in the election precinct of their residence. The residence of a married man shall be where his family resides, and that of a single man where he boards and sleeps; and should any single man board in one ward or precinct and sleep in another then his residence shall be in the ward or precinct in which he sleeps, and he shall not register or vote in any other ward or precinct. But no elector shall be allowed to register in any ward or precinct to which he shall have removed for the mere purpose of being a voter therein, nor unless his residence therein is actual and bona fide. And it shall be the duty of the registrar or judge of election, when requested by any bystander, to swear any person offering to register or vote, as to his residence and to have placed in writing opposite his name the word "sworn"; and any person knowingly and fraudulently registering or voting at any other place than that of his bona fide residence shall be guilty of a crime infamous by the laws of this

Qualified electors.

Residence of voters.

Persons may be questioned as to residence.

Persons registering in precinct other than in which they reside guilty of infamous crime. No registration allowed on day of election. Exception.

Challenges on day of election.

Qualifications of elector shall be explained to person challenged.

Oath of elector.

Vote of person taking oath received. Proviso.

Oath may be administered to witnesses.

state and punished by a fine not exceeding one thousand dollars or imprisoned at hard labor not exceeding two years or both in the discretion of the court.

SEC. 20. No registration shall be allowed on the day of election; but if any person shall give satisfactory evidence to the registrar and judges of election that he has become of the age of twenty-one years on the day of election or has for any other reason on that day become entitled to register, he shall be allowed to register and vote.

SEC. 21. On the day of election any elector may and the judges of election shall challenge the vote of any person who may be known or suspected not to be a duly qualified voter.

SEC. 22. When any person is challenged the judges and registrar shall explain to him the qualifications of an elector, and shall examine him as to his qualifications; and if the person insists that he is qualified and shall prove his identity with the person in whose name he offers to vote, or his continued residence in the precinct since his name was placed upon the registration list as the case may be by the testimony under oath of at least one elector, one of the judges or the registrar shall tender to him the following oath: "You do solemnly swear (or affirm) that you are a citizen of the United States, that you are twenty-one years old, and that you have resided in this state for twelve months and in this county for ninety days next preceding this election, and that you are not disqualified from voting by the constitution and laws of this state; that your name is (here insert the name given), and that in such name you were duly registered as a voter of this township, and that you are now an actual resident of the same and have been ever since you were so registered, and that you are the identical person you represent yourself to be, and that you have not voted in this election at this or any other polling place. So help you, God." And if he refuses to take such oath, his vote shall be rejected; if, however, he does take the oath when tendered, his vote shall be received: *Provided*, that after such oath shall have been taken the registrar and judges may, nevertheless, refuse to permit such person to vote, unless they be satisfied that he is a legal voter; and they are hereby authorized to administer the necessary oaths or affirmations to all witnesses brought before them to testify to the qualifications of a person offering to vote. Whenever any person's vote shall be received, after having taken the oath prescribed in this section, the clerks of election shall write on the poll books at the end of such person's name the word "sworn." The same powers as to the administration of oaths and the examination of witnesses as in this section granted to registrars and judges of election may be exercised by

the registrars in all cases where the names of persons registered or offering to register are objected to.

SEC. 23. That the polls shall be open on the day of election from sunrise in the morning until sunset on the same day and no longer, and each elector whose name shall appear registered and who shall not be challenged and rejected shall be entitled to vote. A space of not more than fifty feet in every direction from the polls or the rooms in which the election is held may be kept open and clear of all persons except the election officer herein provided, which space may be railed or roped off, with a narrow passage leading to and from the polls, and each elector shall approach the polls from one direction, through such — passage; and after his ballot is deposited in the box, with as little delay as possible, shall depart by the — passage leading from the polls. Only one elector shall enter the said — passage leading to the polls at a time; and after the elector has entered the passage no one except the registrar or judges of election or the challengers hereinafter provided for shall be permitted to speak to him or make any signs to him, nor shall he be permitted to speak to or make any signs to any one except the registrar and judges of election, except in case his vote is challenged, as hereinafter provided, until his ballot has been deposited in the box and he has passed out of the enclosure. The said railed or roped space shall at all times during the hours for balloting be kept open and cleared of all persons except the election officers aforesaid; and it shall be the duty of the election bailiff, hereinafter provided for, to keep such space so cleared and opened. Each political party shall be entitled to have at each polling place a challenger, and if the vote of any elector shall be challenged by them or any other elector or the registrar or judges of election, upon the announcement of such challenge the said challengers or either of them and any of the witnesses that may be called for or against the elector whose vote has been challenged, shall be permitted to proceed through the passage of entrance aforesaid to the polling place, and remain while the testimony is being taken upon the question of challenge and no longer.

SEC. 24. Immediately after any election the registrar and judges of election shall deposit the registration books for their respective precincts with the register of deeds of their respective counties. The registration and poll books in use in the several wards and precincts in the election held in this state in November, in the year of our Lord eighteen hundred and ninety-eight, shall be delivered to the registrars appointed under this act as soon after their appointment as practicable.

SEC. 25. The registrar and judges of election may appoint as many election constables or bailiffs, not to exceed three as they

Hours when polls shall be opened.

Space of fifty feet may be kept opened.

Passage to and from polls.

Who allowed to speak to elector.

Space shall be kept open.

Each political party entitled to a challenger.

Registration books shall be deposited with register of deeds.

Appointment of election constables.

**Duties of constables.**

may deem necessary for each precinct or ward, to be present during the election to keep the peace and to protect the voting place, and to prevent improper intrusion upon the voting place or the booths or railed or roped space provided in this act, or interfering with the election, and to arrest all persons creating any disturbance about the voting place, and to enable all persons who have not voted and who desire to vote to have unobstructed access to the polls for the purpose of voting when others are not voting and to keep clear the open space hereinbefore provided at all times during the election. It shall be the duty of the election constables or bailiffs to be present at the voting place and to take such steps as will accomplish the object of their appointment, and they shall have full power to do so. And they may summon to their aid all persons present at the voting place and may arrest offenders against this section and hold them in custody as long as may be necessary, not to exceed twenty four hours. And for the purposes of carrying out the powers herein conferred upon them the registrar and judges of election shall be and are hereby constituted conservators of the peace.

**Registrars and judges of election constituted conservators of peace.**

**State officers, how voted for.**

SEC. 26. That the state officers, viz: Governor, lieutenant governor, secretary of state, auditor, treasurer, superintendent of public instruction and attorney general and other state officers not herein mentioned shall be voted for on one ballot. That the justices of the supreme court, judges of the superior and criminal courts and solicitors shall be voted for on one ballot. That the

**Judges and solicitors.**

**Members of general assembly.**

**County officers.**

members of the general assembly for their respective counties and districts shall be voted for on one ballot. That the county officers for the respective counties, to-wit: Clerk of the superior court, treasurer, register of deeds, surveyor, coroner, sheriff and county commissioners, where they are elected by the people, and tax collectors and any other county officers not herein mentioned shall be voted for on one ballot. That the township officers, to-wit: Constable and justices of the peace in counties where the justices are elected by the people and township tax collectors where there are such shall be voted for on one ballot.

**Constables and justices of the peace.**

**Form and size of ballots.**

SEC. 27. That all the ballots for state officers shall be of the same size. That all the ballots for judges of the supreme, superior and criminal courts and solicitor shall be of the same size. That all the ballots for members of the general assembly shall be of the same size. That all the ballots for county officers shall be of the same size. That all the ballots for township officers shall be of the same size. That all the ballots shall be printed upon white paper, without ornament, symbol or device, and shall contain nothing except the name or names of the person or persons voted for, the county in which they reside, and the office to which such person or persons are intended to be chosen, which

**Ballots shall be without device.**

name or names and office or officers shall be printed. That the state board of elections shall on or before the first Monday in July of the year on which a general election is to be held, prescribe the size and color of paper of all ballots for state officers, for judges of the supreme, superior and criminal courts and solicitor; and on or before the first Monday in October in any year in which a congressional or national election is to be held they shall prescribe the size and color of ballots for congressmen and presidential and vice-presidential electors, and on or before the first Monday in July, nineteen hundred, they shall prescribe the size and color of all ballots for the constitutional amendment to be submitted to the people at the August election in the year nineteen hundred; and the county board of electors shall, on or before the first Monday in July in every year in which a county election is to be held, prescribe the size and color of all ballots [for] members of the general assembly in their respective counties and for the county officers of their respective counties, and for the township officers in their respective counties. That all ballots shall be printed in plain long primer letters: *Provided*, that nothing herein contained shall prevent the elector from voting a ticket partly written and partly printed of the designated size and color or from erasing any name upon the printed ballot and writing other names thereon or pasting thereon other printed names. That it shall be the duty of the state board of electors to notify the state chairman of each political party by mailing to him a statement of the prescribed size and color of all state, district and national ballots within ten days after the same shall have been adopted as herein provided and within such time shall file with the secretary of state two hundred samples of the paper on which said tickets are to be printed, and it shall be the duty of the secretary of state upon application to furnish one sample to each state and district chairman of a political party in the state, and he shall preserve at least one sample of said paper; and they shall publish such statement in a newspaper published in the city of Raleigh; and it shall be the duty of the county board of elections to notify the county chairman of each political party by mailing to him a statement of the prescribed size and color of all ballots for legislature, county and township officers within five days after the time of the adoption of the same. And the said county boards within such time shall furnish to the clerks of the court of their respective counties at least twenty-five samples of the said paper upon which said tickets are to be printed, and the several clerks shall upon application furnish to the county chairman of each political party in their respective counties a sample of such paper and shall preserve at least one sample thereof. And

State board of election shall prescribe size and color of ballots.

Size and color for ballots on election on constitutional amendment.

County board shall prescribe color and size of ballots for county officers.

How printed. Proviso.

Written and printed tickets.

State chairmen shall be notified.

Samples of paper.

they shall publish said statement in some newspaper in said county, and if there is no such then at the court-house door.

County board of elections shall provide ballot boxes.

SEC. 28. That the county board of elections, or upon their failure, the registrar and judges of election, shall provide for each election precinct in their respective counties ballot boxes for each class of officers to be voted for in which to deposit the ballots for such officers respectively. Each of said boxes shall have an opening through the lid of sufficient size to admit a single folded ballot and no more. And each box shall be labeled in plain roman letters designating the officers voted for. That the said ballot boxes shall be kept by the registrar and judges of election for the use of the several precincts respectively; and the said registrar and judges of election before voting begins shall carefully examine the ballot boxes and see that there is nothing in them.

Boxes shall be examined before voting begins.  
Counting of ballots.

SEC. 29. That when the election shall be finished the registrar and judges of election, in the presence of such of the electors as may choose to attend, shall open the boxes and count the ballots, reading aloud the names of the persons which shall appear on each ballot; and if there shall be two or more tickets rolled up together, or any ticket shall contain the names of more persons than such elector has a right to vote for, or shall have an ornament, symbol or device upon it, or shall be manifestly of different size and color than the size and color prescribed by the state board of elections and the county board of elections or shall be found in the wrong box, in either of those cases such ticket shall not be numbered in taking the ballots, but shall be void, and said counting shall be continued without adjournment until completed and the result thereof declared.

Ballots discarded.

Count shall continue until completed.

Meeting of county canvassers.

SEC. 30. The registrar and judges of election in each township, ward or precinct shall appoint one of their number to attend the meeting of the board of county canvassers as a member thereof and shall deliver to the member who shall have been so appointed the original return or statement of the result of the election in such township, ward or precinct, and the members of the several township, ward or precinct boards of election who shall have been so appointed shall attend the meeting of the board of county canvassers for such election in the county in which they shall have been appointed as members thereof.

County canvassers, of whom composed.

SEC. 31. That the members of the several boards of election to whom the original returns or statements of the result of the election in the precincts, wards or townships to which they respectively belong shall have been delivered as directed in the preceding section shall constitute the board of county canvassers for such election in the county in which such precinct, ward or township shall be situated.

SEC. 32. That a majority of the members of the several pre-

inct boards of election who shall have been appointed to attend the meeting of the board of county canvassers as members thereof shall constitute such board.

Majority of members appointed shall constitute board.

SEC. 33. That the board of county canvassers shall meet on the second day next after every election at twelve o'clock noon of that day at the court-house of the county, and at that hour without delay the members of such board who shall be then present shall choose one of their members who shall be the chairman, and shall choose one of their members as clerk of said board: *Provided*, the board of county canvassers of Carteret, Hyde and Dare shall meet on the seventh day after the election; and as soon as such chairman shall be appointed he shall administer to each of the other members and each of the other members shall take an oath or affirmation in the following form: "You do swear (or affirm) that you will faithfully and impartially execute the duties of the board of canvassers according to law." And thereupon one of the members of such board appointed for that purpose shall administer to such chairman and such chairman shall take an oath or affirmation in the same form as that taken by the other members of the board. And before proceeding to canvass and estimate the votes in such county the chairman of the board shall administer to the clerk thereof an oath or affirmation in the following form: "You do swear (or affirm) that you will faithfully execute the duties of clerk of this board according to law."

When county canvassers shall meet.

Appointment of clerk. *Proviso*, Carteret, Hyde and Dare counties, when meet.

Oath of members.

Oath of clerk.

SEC. 34. The board of county canvassers at their said meeting in the presence of such electors as choose to attend shall open an [and] canvass and judicially determine the returns, stating the number of legal ballots cast in each precinct for each office, the name of each person voted for and the number of votes given to each person for each different office, and shall sign the same. The said board shall have power and authority to judicially pass upon all the facts relative to the election and judicially determine and declare the true result of the same; and they shall also have power and authority to send for papers and persons and examine and look upon them.

Canvass of returns.

Empowered to send for persons and papers.

SEC. 35. That the abstract of the votes for each of the following classes of officers shall be made on a different sheet:

Abstract of votes on different sheets.

- (1) Governor and all state officers.
- (2) Senators and representatives in the general assembly.
- (3) Justices of the supreme court, judges of the superior and criminal courts and solicitors.
- (4) County officers.
- (5) Township officers.

SEC. 36. Two abstracts of all votes cast for state officers, for justices of the supreme court, for judges of the superior court and for solicitor shall be made and signed by the chairman of the

Two abstracts shall be made.

To whom delivered.

board of county canvassers, one of which shall be delivered to the chairman of the county board of elections, one filed with the register of deeds, to be registered in his office; also two separate abstracts of all the votes cast for state senators when the senatorial district consists of more than one county, one of which shall be filed with the register of deeds, to be registered in his office, and the other furnished to the county board of elections or other returning officer.

Abstract of county officers.

SEC. 37. That each abstract of the votes cast for such officers as the county alone elects shall contain an accurate statement of all the persons voted for and the number of legal votes cast for each.

Original returns shall be delivered to clerk.

SEC. 38. That when the canvass is concluded the board shall deliver the original returns to the clerk of the superior court, to be filed in his office, and shall cause each of the abstracts mentioned in the two preceding sections to be recorded in a book to be called "the election book," to be kept in the office of said clerk. And said clerk shall also transmit by mail to the secretary of state and to the chairman of the state board of elections duplicates of the abstracts mentioned in section thirty-eight, each abstract to be sealed up in a separate envelope.

To whom abstracts shall be transmitted.

The votes, how determined.

SEC. 39. That the person having the greatest number of legal votes for any office is to be declared elected. But if two or more county candidates having the greatest number of votes shall have an equal number the county board of elections shall determine which shall be elected.

Canvassers shall judicially determine result.

SEC. 40. That when the board of county canvassers shall have thus completed the comparison of the polls, they shall judicially determine the result of the election in their county for all persons voted for and proclaim the same at the court-house door, with the number of votes cast for each.

Meeting of chairmen of boards of elections in senatorial district.

SEC. 41. The chairman of the county board of elections in the various senatorial districts composed of more than one county after receiving the returns from the board of county canvassers, shall meet on the ninth day after the election at the following places in their respective districts for the purpose of comparing polls: from the first district, at Hertford, in the county of Perquimans; in the second district, at Plymouth, in the county of Washington; in the third district, at Roxobel, in the county of Bertie; in the seventh district, at Nashville, in the county of Nash; in the eighth district, at Newbern, in the county of Craven; in the ninth district, at Warsaw, in the county of Duplin; in the tenth district, at Wilmington, in the county of New Hanover; in the eleventh district, at Ridgeway, in the county of Warren; in the fourteenth district, at Roseboro, in the county of Sampson; in the fifteenth district, at Lennon's Cross Roads, near

Where chairmen shall meet.

Francis Lennon's, in the county of Columbus; in the seventeenth district, at Berea, in the county of Granville; in the eighteenth district, at Hillsboro, in the county of Orange; in the twenty-second district, at Brower's Mill, in the county of Randolph; in the twenty-third district, at Lilesville, in the county of Anson; in the twenty-fourth district, at Mount Pleasant, in the county of Cabarrus; in the twenty-sixth district, at Lexington, in the county of Davidson; in the twenty-seventh district, at Harmony, in the county of Iredell; in the twenty-eighth district, at Pilot Mountain, in the county of Surry; in the twenty-ninth district, at Hickory, in the county of Catawba; in the thirtieth district, at Jefferson, in the county of Ashe; in the thirty-first district, at Marion, in the county of McDowell; in the thirty-second district, at Mooresboro, in the county of Cleveland; in the thirty-third district, at Asheville, in the county of Buncombe; in the thirty-fourth district, at Webster, in the county of Jackson; in the thirty-fifth district, at Murphy, in the county of Cherokee.

If for any cause any of the of said chairmen of the county board of elections are prevented from meeting at such places respectively on the aforesaid tenth day after the election, the returns of such officers shall be waited for and received if they arrive on the following day, and the returning officer failing to attend at the time and place required as aforesaid shall forfeit and pay one thousand dollars, to be recovered in the superior court of his county by any person who may sue for the same, and shall be guilty of a misdemeanor; but if the returns from all the counties be not in hand by noon of the day appointed then the returning officers shall adjourn from day to day until the returns from all the counties be received, and in the meantime shall dispatch a competent person under oath to the county delinquent in returning for a certified copy of the vote for that county, which shall be furnished by the register of deeds of such county, and when received shall be counted, and when the chairmen of the board of county elections shall be convened as aforesaid the polls for the different counties shall be examined and compared by them in the presence of such electors as choose to attend; and a certificate under the hands and seals of the returning officers shall be given to the candidate in each district for whom the greatest number of votes shall have been given.

When chairman is prevented from attending.

Penalty.

Delinquent county's vote shall be furnished by register of deeds.

SEC. 42. The chairman of the county board of elections of each county shall furnish within ten days the member or members elected to the house of representatives and to the senate where the district is not composed of more than one county, a certificate of election under his hand and seal; he shall also immediately notify all persons elected to the county offices to meet at the

Certificates of election.

court house on the first Monday in the ensuing December to be qualified.

Statement shall be sent speaker of house of votes cast.

SEC. 43. The chairman of the county board of elections or other returning officer of each county shall on or before the fifth day after the election transmit by mail in a registered letter or otherwise to the speaker of the house of representatives a separate statement of the votes taken in his county for each of the state officers, to-wit: Governor, lieutenant governor, secretary of state, auditor, treasurer, superintendent of public instruction and attorney general and other state officers, which statement in each case shall be in the following or some similar form, viz:

"State of North Carolina..... county.

Form of statement to speaker.

I, ....., the chairman of the county board of elections, do hereby certify that at the election held in the said county to elect a governor (or other officers as the case may be) for four years from the first day of ..... next, at the places appointed by law for holding elections for said county, on the ..... day of ....., A. D. eighteen hundred and ....., .... votes were given for ..... and .... votes for .....

Given under my hand, this .... day of ....., eighteen hundred and .....

.....,  
The Chairman of the County Board of Elections."

How transmitted.

If said statements are transmitted by mail they shall be directed in sealed packets to the speaker of the house of representatives, in care of the secretary of state; and if by messenger, they shall be sent direct to the speaker of the house of representatives, sealed as aforesaid: *Provided*, that no messenger bringing said statements or any other abstracts or election returns shall receive compensation therefor. The chairmen of the county board of elections or other returning officer failing or neglecting to perform the duties required in this section shall forfeit and pay two thousand dollars, to be recovered in the superior court of his county by any person who shall sue for the same, and shall be guilty of a misdemeanor and imprisoned at hard labor in the penitentiary for twelve months: *Provided further*, that the chairmen of the county board of elections of the counties of Carteret, Hyde and Dare shall have until the eleventh day after the election to comply with this section.

Proviso.

Messengers shall receive no compensation.

Neglect of said chairmen to perform duties.  
Penalty.

Proviso.

Secretary of state shall furnish forms, blanks, etc.

SEC. 44. The secretary of state shall cause proper forms of returns to be prepared and printed, and send copies thereof, with plain directions as to the manner of endorsing, directing and transmitting the same to the seat of government, to all the returning officers of the state at least thirty days before the time of holding any election. He shall also furnish to the register of

deeds of each county all such printed blanks as may be necessary for making the county returns.

SEC. 45. The speaker of the house of representatives, in the presence of a majority of the members of both houses of the general assembly, shall open and publish the returns for governor, lieutenant governor, secretary of state, auditor, treasurer, superintendent of public instruction and attorney general and other state officers at twelve o'clock, noon, on the first Tuesday after the organization of both houses of the general assembly. And if for any cause there be no return from any county of the state, or if any return be defective, a proper return shall be had in such manner as the two houses in joint session may direct; and in either case the publication of the result may be postponed to such time as the joint session of the two houses may deem best. The person having the highest number of votes for each office respectively shall be declared duly elected thereto; but if two or more be equal and highest in votes for the same office, then one of them shall be chosen by joint ballot of both houses of the general assembly. Contested elections shall be determined by a joint vote of both houses of the general assembly in the same manner and under the same rules and regulations as prescribed in cases of contested elections of members of the general assembly.

Speaker of house shall announce returns.

Defective returns.

Announcement of result.

SEC. 46. An abstract of the returns for state officers shall be made by the clerks of the two houses of the general assembly, showing the number of ballots cast for each candidate, the names of all persons voted for, the offices for which they received such votes, and the number of votes cast for each person, and the persons ascertained by the canvass to be elected to the several offices, and said abstract shall be signed by the presiding officers of the two houses and delivered to the secretary of state, who shall record it in the election book kept in his office and then file it. Said abstract shall also be printed in the journals of the two houses and in the legislative documents.

Abstract of returns for state officers shall be made by clerks of both houses.

Abstract, how signed.

SEC. 47. Any registrar or judge of election or any county canvasser or commissioner, register of deeds, clerk or chairman of the county board of elections failing to make the returns and perform the duties required of him shall be fined not less than five hundred nor more than one thousand dollars or imprisoned not more than six nor less than two months at the discretion of the court, and every such officer for every such offense shall forfeit and pay the sum of five hundred dollars, to be recovered in the name and to the use of the state, on motion of the attorney general in the superior court of Wake county, ten days' previous notice in writing of such intended motion having been given to such officer by the secretary of state. The proceeding thereon shall be summary; and if any matter of fact shall be in issue the same

Failure of proper persons to make returns unlawful.

shall be tried at the first term, and on such trial or for any purpose in the prosecution of such motion to judgment, the certificate of the secretary of state or of the governor as the case may be of the particular default on which the motion is founded shall be received as competent prima facie evidence to prove the same.

Chairman of county board of elections failing to perform certain duties guilty of a felony.

SEC. 48. If any chairman of the county board of elections or other returning officer whatever shall willfully or of malice neglect to perform any duty, act, matter or thing required or directed in the time, manner and form in which such duty, act, manner or thing is required to be performed in relation to the election and returns thereof, of the governor, of the representatives in congress, of justices of the supreme court, of judges of the supreme [superior] court, of solicitors or of the electors for president and vice president of the United States, the person so offending shall be guilty of a felony and fined not less than one thousand nor more than five thousand dollars and be imprisoned not less than one nor more than three years.

Persons intending to commit fraud in voting guilty of infamous crime.

SEC. 49. Any person who shall with intent to commit a fraud, register or vote at more than one box or more than one time, or who shall induce another to do so, or any person who shall illegally vote at any election, shall be guilty of an infamous crime and imprisoned not less than six nor more than twelve months or fined not less than one hundred nor more than five hundred dollars, at the discretion of the court; and any registrar of voters or any clerk or copyist who shall make any entry or copy with intent to commit a fraud shall be liable to the same penalty.

Penalty.

Persons corruptly taking oath guilty of perjury. Penalty.

SEC. 50. Any person who shall corruptly take the oath prescribed for voters shall be guilty of perjury and be fined not less than five hundred dollars nor more than one thousand dollars and be imprisoned at hard labor in the penitentiary not less than two nor more than five years.

Secretary of state shall furnish to certain parties copies of this chapter.

SEC. 51. The secretary of state shall at least sixty days before each election furnish the county board of elections of each county with a sufficient number of copies of this chapter, as it will read with the latest amendments incorporated with it, to supply each county canvasser, commissioner, register of deeds, sheriff, registrar of votes and judge of election with one copy thereof.

Persons breaking up elections by force or violence guilty of a misdemeanor.

SEC. 52. Any person who by force and violence shall break up or stay any election by assaulting the officers thereof or depriving them of the ballot boxes or by any other means, his aiders and abettors, shall be guilty of a misdemeanor and imprisoned not more than three months and pay such fine as the court shall adjudge, not exceeding one hundred dollars. If any person shall interrupt or disturb the registrar while actually engaged in the registration of voters or the registrar or judges of election while engaged in holding the election or in counting and adding up the

result thereof, or the board of county canvassers or the state board of canvassers while engaged in the discharge of their official duties, or behave in a disorderly or boisterous manner in the presence of said officers while so engaged in the discharge of their official duties, or obstruct such officers in the legal discharge of the duties of their several positions, such person 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. 53. Any person who shall treat with either meat or drink on any day of election or on any day previous thereto with an intent to influence the election shall forfeit and pay two hundred dollars, the one-half for the use of the county and the other to the use of the person who shall sue for the same.

Treating on election day a misdemeanor.

SEC. 54. Any person who shall discharge from employment, withdraw patronage from or otherwise injure, threaten, oppress or attempt to intimidate any qualified voter of this state because of the vote such voter may or may not have cast in any election shall be guilty of a misdemeanor.

Intimidation or coercion of voters a misdemeanor.

SEC. 55. Any person who shall at any time before or after an election give or promise to give any money, property or reward to any elector in order to secure his vote shall be guilty of a misdemeanor, and any person who shall receive or agree to receive any such bribe shall also be guilty of a misdemeanor.

Persons giving or promising rewards guilty of a misdemeanor.

SEC. 56. Any person who shall bet or wager any money or other thing of value upon any election held in this state shall be guilty of a misdemeanor.

Persons wagering on election guilty of a misdemeanor.

SEC. 57. (For senators and their mode of election, see act of congress of the twenty-fifth of July, eighteen hundred and sixty-six, fourteenth statutes at large, chapter two hundred and forty-five, page two hundred and forty-three.)

Senators and mode of election.

SEC. 58. For the purpose of selecting representatives in congress of the United States the state of North Carolina shall be divided into nine districts as follows:

Division of congressional districts.

First—Beaufort, Camden, Carteret, Chowan, Currituck, Dare, Gates, Hertford, Hyde, Martin, Pamlico, Pasquotank, Perquimans, Pitt, Tyrrell and Washington.

First district.

Second—Bertie, Edgecombe, Greene, Halifax, Lenoir, Northampton, Warren, Wilson and Wayne.

Second.

Third—Bladen, Cumberland, Duplin, Craven, Harnett, Jones, Moore, Onslow and Sampson.

Third.

Fourth—Chatham, Franklin, Johnston, Nash, Randolph, Vance and Wake.

Fourth.

Fifth—Alamance, Caswell, Granville, Guilford, Person, Durham, Orange, Rockingham and Stokes.

Fifth.

Sixth—Anson, Brunswick, Columbus, Mecklenburg, New Hanover, Pender, Richmond, Robeson and Union.

Sixth.

- Seventh.** Seventh—Cabarrus, Davidson, Iredell, Montgomery, Rowan, Stanly, Lincoln, Catawba, Davie and Yadkin.
- Eighth.** Eighth—Alleghany, Ashe, Burke, Caldwell, Forsyth, Alexander, Watauga, Wilkes, Surry and Cleveland, Gaston and Mitchell.
- Ninth.** Ninth—Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Polk, Rutherford, Swain, Transylvania and Yancey.

If representation of congressmen is increased, such member or members shall be elected by entire state.

SEC. 59. Whenever by a new appointment of representatives among the several states the number of representatives in Congress of the United States from North Carolina shall be either increased or decreased, and neither the congress nor the general assembly shall provide for the election of the same, then if the said representatives shall be increased the increased number shall be elected by the qualified voters of the whole state and shall be voted for on one ballot, and the representatives from the several congressional districts shall be elected by the voters of said district respectively, and shall each be voted for on another ballot. But if the number of said representatives shall be decreased as aforesaid, in that event all the representatives in congress shall be elected by the qualified voters of the whole state and shall be voted for on one ballot.

In event of decrease.

Election for congressmen, when held.

SEC. 60. The election for members of congress shall be held on the Tuesday next after the first Monday in November, nineteen hundred, and biennially thereafter, unless congress shall prescribe a different time for the holding of such elections, and shall be conducted by the sheriffs and by other persons provided for holding elections of members of the general assembly in this act, and in like manner as is provided for holding elections for members of the general assembly; and the registrars and judges of election in the several precincts appointed to hold the election of the members to the general assembly for the election to be held in August, nineteen hundred, as hereinbefore provided and biennially thereafter shall hold the election for members of congress as herein provided.

Vacancies occurring in congressional representation special election shall be ordered.

SEC. 61. If at any time after the expiration of any congress and before another election, or if at any time after an election there shall be a vacancy in the representation in congress the governor shall issue a writ of election and by proclamation shall require the voters to meet in the different townships in their respective counties at such times as may be appointed therein, and at the places established by law, then and there to vote for a representative in congress to fill the vacancy; and the election shall be conducted in like manner as regular elections.

Congressmen shall procure certificate from governor.

SEC. 62. Every person duly elected a representative to congress upon obtaining a certificate of his election from the secretary of state shall procure from the governor a commission certifying his

appointment as a representative of the state, which the governor shall issue on such certificate being produced.

SEC. 63. The register shall receive three cents for each name registered in the new registration herein ordered, and thereafter in any revision of the registration book he shall receive one cent for each name copied from the original registration book. Each chairman of the county board of elections shall be allowed one dollar and a half per day for the time actually employed and five cents per mile for distance travelled, for making the returns for senators, and sheriffs shall receive thirty cents for each notice he is required to serve under this act. The compensation allowed officers under this section shall be paid by the county treasurer. Clerks and register of deeds shall also be allowed the usual record and registration fees for recording or making duplicates of the election returns, to be paid by the county. The board of state canvassers may employ two clerks at a compensation of four dollars per day each during the session of the board of state canvassers. The members of the county board of elections shall each be allowed two dollars per day for each day they may be actually employed in the performance of their duties. The register and judges of election shall be entitled to one dollar each for holding the election. The election constables or bailiffs shall be entitled to one dollar per day each. And the registrar or judge of election who shall act as returning officer shall be allowed one dollar, payable out of the county treasury: *Provided*, that the registrars shall receive in addition to the compensation herein allowed for each name registered the sum of one dollar per day for each Saturday during the period of registration and on which they attend at the several polling places for the purpose of registering voters.

Compensation of registrars and other election officers.

Proviso.

Additional compensation for registrars.

SEC. 64. The governor, secretary of state and at least three members of the members of the board of state elections shall constitute the board of state canvassers, but no member thereof shall take part in canvassing the votes for any office for which he himself is a candidate.

Board of state canvassers, of whom composed.

SEC. 65. If the abstracts or returns from any county shall not be received at the office of the secretary of state or by the state board of elections by the third Monday after the day of election the said secretary is authorized to obtain from the register of deeds or the board of county elections at the expense of such county the original abstracts or returns, or it [it] they have been forwarded, copies of them.

Secretary of state authorized to obtain delinquent abstracts from register of deeds

SEC. 66. The board of state canvassers shall open the abstracts transmitted to the secretary of state on the Thursday following the third Monday after each election held under the provisions of this act and examine the returns, if they shall have been received from all the counties, and if not all received they may

When state canvassers shall open abstracts.

adjourn not exceeding twenty days for the purpose of obtaining the returns from all the counties, and when these are received shall proceed with the canvass; such canvass shall be conducted publicly in the hall of the house of representatives. They shall make an abstract, stating the number of legal ballots cast for each candidate, the names of all the persons voted for, for what office they respectively received the votes and the number of votes each received, and stating whom they ascertain and judicially determine by the count to be elected to the office, which abstract shall be signed by the board of canvassers in their official capacity as state canvassers, and have the seal of the state affixed thereto: *Provided*, that in all cases of special elections ordered by the governor to fill vacancies in the representation of the state in congress the board of state canvassers may meet as soon as the secretary of state may notify the members of the board that the returns from all the counties entitled to vote in said special elections have been received by him; and it shall be the duty of the secretary of state to fix the day of meeting, which day shall not be later than ten days after such elections, and it shall be the duty of all returning officers to make their returns promptly, so that the same may be received within the ten days.

Proviso.

When state board may meet in case of special election.

Returning officers shall make returns promptly.

Secretary of state shall record abstracts.

SEC. 67. The secretary of state shall record the abstract or abstracts in a book to be kept by him for recording the result of elections, and to be called the "election book," and shall also file the abstract or abstracts.

Secretary of state shall prepare certificates for persons elected.

SEC. 68. After the state board of canvassers shall have ascertained and declared the result of the elections, as hereinbefore provided, they shall cause the result of the same to be certified to the secretary of state, who shall prepare a certificate for each person elected, and shall sign the same, which certificate he shall deliver to the person elected when he shall demand the same.

Board of state canvassers shall publish estimate of votes cast for officers of executive department.

SEC. 69. The board of state canvassers shall estimate the votes cast for officers of the executive department from the abstracts forwarded to the secretary of state, and shall publish a statement of the result of such calculation, but this statement shall be for information of the public only, and shall not have the effect to determine what candidates have been elected to such offices. Their election shall be ascertained and declared according to section three, article three, of the constitution.

Officers commissioned by governor.

SEC. 70. Justices of the supreme court, judges of the superior and criminal courts and solicitors shall be commissioned by the governor and their terms of office shall begin on the first day of January next succeeding their election. An election for officers whose terms shall be about to expire shall always be held at the general election next preceding the expiration of their terms of office.

SEC. 71. Any person who shall cause or procure his name to be registered in more than one election ward or precinct, or shall cause or procure his name or that of any other person whose name he has procured to be registered is not entitled to vote in the ward or election precinct wherein such registration is made, or who shall falsely personate any registered voter, shall be guilty of a crime infamous by the laws of the state and shall be punished for every such offense by a fine not exceeding one thousand dollars or imprisonment at hard labor for a term not exceeding two years or both in the discretion of the court.

Person causing name to be registered in more than one precinct guilty of infamous crime.

SEC. 72. If any person be challenged as being convicted of any crime which excludes him from the right of suffrage, he shall be required to answer any questions in relation to such alleged convictions; but his answer to such questions shall not be used against him in any criminal prosecution, but if any person so convicted shall vote at the election without having been restored to the rights of citizenship he shall be guilty of an infamous crime and punished by a fine not exceeding one thousand dollars or imprisoned at hard labor not exceeding two years or both.

Persons challenged as having been convicted of crimes.

SEC. 73. The judges of election shall in no case receive the vote of any person unless they shall be satisfied that such person is in all respects qualified and entitled to vote; and for the purpose of satisfying themselves as to the right of any person who shall claim a right to vote they shall have power to examine such person, and any other person or persons under oath or affirmation touching such right. And if any judge of election shall receive or assent to receive the vote of any person challenged without requiring such person to take the oath or affirmation hereinbefore prescribed, and if such person shall not be qualified and entitled to vote, such judge of election so receiving or assenting to receive such vote shall be deemed to have received the same knowing it to be illegal.

Judges shall not receive vote of any person unless satisfied that such person is qualified to vote.

SEC. 74. That the registrar and judges of election in each ward or precinct, the board of county canvassers of each county and the board of state canvassers shall respectively possess full power and authority to maintain order and to enforce obedience to their lawful commands during their sessions respectively, and shall be constituted inferior courts for that purpose; and if any person shall refuse to obey the lawful commands of any such registrar or judge of election or board of county canvassers or board of state canvassers or by disorderly conduct in their hearing or presence shall interrupt or disturb their proceedings, they may by an order in writing, signed by their chairman and attested by their clerk, commit the person so offending to the common jail of the county for a period not exceeding thirty days, and such order shall be executed by any sheriff or constable to whom the

Power of Judges and registrars to maintain order.

Orders, by whom executed.

same shall be delivered, or if a sheriff or constable shall not be present or shall refuse to act, by any other person who shall be deputed by such township or precinct board of election or board of county canvassers in writing, and the keeper of such jail shall receive the person so committed and safely keep him for such time as shall be mentioned in the commitment.

Vacancies in certain offices.  
Election of successors.

SEC. 75. That whenever any vacancies shall exist by reason of death, resignation or otherwise in any of the following offices, to wit: Secretary of state, auditor, treasurer, superintendent of public instruction, attorney general, solicitor, justices of the supreme court and judges of the superior court, the same shall be filled by elections, to be held in the manner and places and under the same regulations and rules as prescribed for general elections at the next regular election for members of the general assembly, which shall occur more than thirty days after such vacancy, except as otherwise provided for in the constitution.

Vacancies occurring in the general assembly.

SEC. 76. That when a vacancy occurs in the general assembly by death, resignation or otherwise it shall be the duty of the chairman of the county board of elections or of the sheriff of the county in which the late member resided, provided the general assembly shall not be in session, to notify the governor of such vacancy, and in case the general assembly shall be in session when such vacancy occurs, it shall be the duty of the presiding officer in the house in which the vacancy occurs to notify the governor of the same, who shall thereupon issue a writ of election to the chairman or chairmen of the district or county represented by the late member, said election to be held at such time as the governor may designate, and in such manner as may be prescribed by law.

Elections held in pursuance of writ from governor, how conducted.

SEC. 77. That every election, held in pursuance of a writ from the governor, shall be conducted in like manner as the regular biennial elections so far as the particular case can be governed by general rules, and shall to all intents and purposes be as legal and valid and subject the officers holding and the persons elected to the same penalties and liabilities as if the same had been held at the time and according to the rules and regulations prescribed for the regular biennial elections.

Sale or gift of intoxicating liquors on election day within five miles of polling place a misdemeanor.

SEC. 78. That any person who shall give away or sell any intoxicating liquors, except for medical purposes and upon the prescription of a practicing physician at any places within five miles of the polling place at any time within twelve hours next preceding or succeeding any public election, whether general, local or municipal, or during the holding thereof, shall be guilty of a misdemeanor and fined not less than one hundred nor more than one thousand dollars.

SEC. 79. That on the Tuesday next after the first Monday in

the month of November, in the year of our Lord nineteen hundred, and every four years thereafter, or on such days as the congress of the United States shall have directed, a poll shall be opened in each of the precincts of the state for the election of electors of president and vice-president of the United States the number of whom is to be equal to the number of senators and representatives in congress to which this state may be entitled, and the persons so chosen shall be electors for the state as aforesaid. No new registration of voters shall be necessary for the election provided in this section or for the election of members of congress hereinbefore provided, and the registrars and judges of election in each township, ward or precinct appointed by the county board of elections for the election to be held as hereinbefore provided on the first Thursday in August, in the year of our Lord nineteen hundred, shall be registrars and judges of election for the election of electors provided in this section, and for the election of members of congress hereinbefore provided; and said election shall be held in all respects [as] hereinbefore provided for the election of the members of the general assembly. That before the election provided for in this section it shall be the duty of the registrars in each ward and voting precinct to revise the registration books of their respective townships, wards or precincts in such manner that said books shall show an accurate list of electors previously registered in such precinct, ward or township and still residing therein, without requiring said electors to register anew. And such registrars shall, between the hours of sunrise and sunset on each day (Sunday excepted), for five days preceding the day for closing the registration books as hereinbefore provided, keep open said books for the registration of any electors residing in such township, ward or precinct and entitled to registration whose names have never before been registered in such precinct, ward or township or do not appear on the original registration books. That said books shall be closed for registration on the second Saturday before the time fixed in this section for the election of electors, and the time hereinbefore fixed for the election of members of congress. That the registrars shall give the same notice of time and place of registration as hereinbefore provided, and the voting place in each ward or precinct shall be the same as in elections for members of the general assembly herein provided, unless changed by the county board of elections.

Election of president and vice president.

Said election, how conducted.

Registration of voters.

Registrars shall give notice.

SEC. 80. That the names of the electors to be chosen shall be written or printed on each ballot, and each ballot shall contain the name of at least one inhabitant of each congressional district into which the state may be divided, and against the name of

Names of electors, written or printed  
Representation of districts.

each person shall be designated the number of the congressional district to which he belongs.

Returns, to whom made.

SEC. 81. That the election shall be conducted and the returns made as nearly as may be as directed in relation to the election of state officers, except as herein otherwise expressed.

County board of canvassers shall certify result.

SEC. 82. That the county board of canvassers shall meet in the court house of their respective counties as hereinbefore provided, and shall ascertain and determine by faithful addition the number of legal votes for every person who shall have been voted for as an elector within the county, and shall certify the same under their hands in the manner and form following to-wit:

Form of certificate.

“We, the county canvassers for ----- county, do hereby certify that an election was held on the day and at the places fixed by law within said county for electors of president and vice president of the United States, and that the number of votes hereinafter specified opposite the names of the several persons following was given for such persons as electors for the state of North Carolina, of president and vice-president of the United States, namely: D. G. F. (here state the number of votes for D. G. F.); for J. M. L. (here state the number of votes for J. M. L., and so on until the list of persons voted for and the number of votes shall be complete).

Given under our hands this -- day of ----- in the year A. D. -----.”

Copies of certificate, to whom made.

Three fair copies of such certificates and return shall be made by the board of county canvassers under their hands, and one of the same shall be immediately delivered to the chairman of the county board of elections of the county, whose duty it shall be to attend at the meeting of said canvassers and who shall forthwith make proclamation and read the same through at the courthouse door, and the said chairman of the county board of elections shall immediately thereafter seal up said copy in an envelope and transmit the same by mail in a registered letter or otherwise to the secretary of state at the capitol in Raleigh, so that he shall receive the same within twelve days after the day of said election; and one of said copies, together with the original precinct returns, shall be delivered to the clerk of the superior court, who shall record the said copy in the election book and file the originals of said copy in his office. And one copy shall be delivered to the register of deeds, to be registered in his office. The clerk of the superior court shall, immediately after the same shall have been delivered to him send a copy of the certificate of the board of county canvassers, sealed with the seal of his office, to the secretary of state at Raleigh, so that he may receive the same within twelve days after said election. And in case of failing to

Clerk of court shall record copy.

Clerk shall send copy of certificate to board of county canvassers and others.

make such returns within the time herein prescribed such chairman of the county board of elections, clerk or other officer whose duty it shall be so to do shall forfeit and pay to the state the sum of five hundred dollars, to be recovered by the attorney-general in the superior court for the county of Wake.

Failure to make such returns unlawful.

SEC. 83. That the secretary of state, within three days after the expiration of the time hereinbefore provided for the delivery to him of said certificates and returns shall deliver the same to the board of state canvassers, whose duty it shall be to then attend in the presence of such other persons as may choose to be present in the hall of the house of representatives in the capitol, open the certificates and returns and proceed to canvass the same and ascertain and determine the result: *Provided*, that if the returns from any county shall not by that time have been received by the secretary of state from the chairman of the county board of elections or clerk of the superior court then the board of state canvassers shall order and compel a duplicate return from the clerk of the superior court, and the chairman of the county board of elections or register of deeds or both in such manner as they may think best; and for that purpose they may adjourn from day to day, not to exceed ten days. The board of state canvassers in canvassing said returns shall merely add up the returns as certified by the county board of canvassers, but it shall be their duty to disregard any such apparent clerical error or any such technical uniformity as may not render it reasonably uncertain who was the person intended to be designated as voted for, and what was the number of votes actually received by any candidate. At the conclusion of the canvass the board shall make an abstract of all votes cast, and shall deliver the same to the secretary of state, together with the original returns from the several counties to be filed in his office. The secretary of state shall copy said abstracts in the "election book," directed in this chapter to be kept in his office, and shall under his hand and the seal of his office certify to the governor the names of as many persons receiving the highest number of votes for electors of president and vice president as the state may be entitled to in the electoral college. The governor shall thereupon immediately issue his proclamation and cause the same to be published in such daily newspapers as may be published in the city of Raleigh, wherein he shall set forth the names of the persons duly elected as electors and warn each of them to attend at the capitol in the city of Raleigh at noon on the Tuesday preceding the first Wednesday of December next after his election, at which time the said electors shall meet, and in case of the absence or ineligibility of any elector chosen, or if the proper number of electors shall for any cause be deficient, those present shall forthwith elect from the citi-

Secretary of state shall deliver certificate to board of state canvassers.

Proviso.

When returns are not received.

Board of state canvassers shall disregard clerical errors.

Announcement of result.

Meeting of electors.

zens of the state so many persons as will supply the deficiency, and the persons so chosen shall be electors to vote for the president and vice president of the United States. And the governor shall on or before the first Wednesday in December make out three lists of the names of the said eleven persons so elected and appointed electors and cause the same to be delivered to them as directed by the act of congress.

When electors shall assemble.

SEC. 84. That the persons elected and appointed as electors of the president and vice president of the United States shall assemble on the said first Wednesday in December at the capitol in the city of Raleigh and then and there give their votes on behalf of the state of North Carolina for president and vice-president of the United States and proceed in relation thereto in all things conformably to the constitution of the United States and the act of congress in that behalf.

When offices of president and vice president both vacant.

SEC. 85. That whenever the offices of president and vice-president of the United States shall both become vacant the governor, upon receiving a notification of such vacancy from the secretary of state of the United States shall forthwith issue his proclamation directing the sheriffs of the several counties and the county boards of elections or other proper officers to hold elections within their respective counties for the appointment of electors of president and vice president of the United States on the days of the year in which such vacancy may happen as is herein prescribed for holding the regular and stated elections: *Provided*, that there shall be a space of two months between the date of such notification and the said first Wednesday of December; but if there should not be such space the governor shall specify in his proclamation that the electors shall be elected in the year next ensuing the date of such notification, on the day aforesaid; and the electors appointed in the manner by this section directed shall meet at the capitol in the city of Raleigh and proceed as hereinbefore provided for electors of president and vice president chosen at a regular election for the same.

Election shall be ordered by governor.

Electors failing to attend meeting shall be fined.

SEC. 86. That each elector, with his own consent previously signified, failing to attend and vote for a president and vice president of the United States at the time and place herein directed (except in case of sickness or other unavoidable accident), shall forfeit and pay to the state five hundred dollars, to be recovered by the attorney general in the superior court of Wake county. And any person making or certifying or delivering or transmitting a false return of an election held hereunder or making any erasure or alteration in the poll books shall be guilty of an infamous crime and imprisoned not less than one year and shall in addition forfeit and pay five hundred dollars, one half to the use of the person who will sue for the same and the other half to the

use of the state. Any officer who shall refuse to permit any candidate or person qualified to vote at his own expense to have a copy of the poll books shall forfeit and pay two hundred dollars, one half to the person who shall sue for the same and the other half to the use of the state. Any register of deeds or clerk of the superior court who shall refuse to make and give to any person a duly certified copy of the returns of an election or of a tabulated statement of an election hereinbefore directed to be deposited in his office upon the tender of the fees therefor shall be guilty of a misdemeanor, and upon conviction ousted out of his office and imprisoned for [one] year: *Provided*, that giving a copy of the poll books shall not interfere in any way with the duties of the officer required by this act to furnish said copy as above provided.

Registers of deeds and clerks failing to make certificate shall be fined

SEC. 87. That the electors shall be allowed for their travelling expenses to and from the city of Raleigh and their attendance the same compensation as may be allowed members of the general assembly, and shall be entitled to the same privileges.

Compensation for electors.

SEC. 88. That all laws and clauses of laws in conflict with this act are hereby repealed and the law regulating elections as contained in this act shall be construed above and not in connection with any existing provision of law for regulation of elections.

Conflicting laws repealed.

SEC. 89. That this act shall be in force from and after its ratification.

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 508.

### An act in regard to removal of cases from one county to another.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the act of this general assembly, ratified at the session of eighteen hundred and ninety nine, in regard to the removal of causes from the courts of one county to another, shall not apply to pending cases.

Removal of cases from one court to another not applicable to pending cases.

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 509.

**An act to provide for improvements at the State Normal and Industrial College.***The General Assembly of North Carolina do enact :*

\$5,000 appropriated to Normal and Industrial College.

SECTION 1. That for the purpose of providing a library and gymnasium at the State Normal and Industrial College the sum of five thousand dollars be and is hereby appropriated out of the moneys in the treasury not otherwise appropriated.

Itemized statement of expenditure shall be included in report.

SEC. 2. That an itemized account showing the expenditure of same shall be included in the report of the institution to the next general assembly.

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 510.

**An act to make it unlawful for live stock to run at large in certain portions of Cumberland county.***The General Assembly of North Carolina do enact :*

Unlawful for live stock to run at large in certain parts of Cumberland county.

SECTION 1. That it shall be unlawful for live stock; that is horses, nules, jacks, mares, jennies, colts, hogs, cows, calves, sheep, goats and all other cattle and swine and geese to run at large in that part of Cumberland county that is embraced within the following boundaries, to-wit: Beginning on the Raleigh road near Josiah Cook's and running thence with said road westwardly on the western side thereof to or near the Wilmington and Weldon Railroad; thence along said road as may be selected on the eastern side of said railroad to W. J. Smith's farm fence on south side of his residence to the Fayetteville and Raleigh road; thence with said road on the west side to Ed. Smith's; thence by such practical route as may be found most expedient to the Cape Fear river; thence down said river to where the Flee Hill stock law joins said river; thence with said stock law line to the beginning.

Fence commissioners appointed.

SEC. 2. That H. A. McPhail, W. F. Wade, J. M. Jones be and they are hereby appointed fence commissioners, and as such it shall be their duty to cause to be built as soon as practicable a fence as above contemplated, with suitable gates at every crossing of a public road and to keep the same in repairs. They shall have the right and authority for the purpose of building said fence to enter upon the lands along the proposed route by themselves and those contracting to work for them, and for the right-of-way for said fence a strip of land not exceeding fifteen feet in

Rights and powers of commissioners.

- width may be condemned and used, and they may take from the land along the line of the fence enough of suitable timber as may be required to build and repair the fence: *Provided*, that an undue proportion shall not be taken from the land of any person: *And provided further*, that it shall be taken from the lands of some one who is interested in keeping up the fence. .
- SEC. 3. Said fence commissioners shall at once choose one of their number as chairman and any two of them may act; it shall be their duty to report on or before the first Monday in February, nineteen hundred, and each year thereafter, the condition of said fence, and what amount is necessary to be raised to keep same in proper repairs, and thereupon it shall be the duty of the board of county commissioners and magistrates to levy a tax upon all real estate within said territory sufficient to raise the required amount, which tax shall in no case exceed twenty five cents on the one hundred dollars worth of real estate; said tax shall be levied and collected as other county taxes, to be disbursed upon the order of the said fence commissioners for the purpose contemplated by this act.
- SEC. 4. Any live stock as above defined that may be found running at large in said territory may be taken up, impounded and dealt with as provided in chapter twenty of The Code, volume two, entitled "Fences," and any person injuring the fence or gates or leaving open the gates or rescuing, releasing or impounding stock shall be guilty of a misdemeanor, and the provisions of chapter twenty, volume two of The Code, are hereby made applicable as far as may be to the above described territory in the same manner as if it had been established under said chapter: *Provided, however*, that the punishment for all offenses against this act and said chapter, volume two of The Code, so far as applicable to said territory, shall not in any case exceed a fine of fifty dollars or imprisonment for thirty days.
- SEC. 5. The fence commissioners by this act shall hold their office so long as they shall faithfully perform the duties contemplated by this act until two years from the ratification of this act and until their successors have been duly appointed and qualified, and upon any vacancy occurring by death or resignation or otherwise, such vacancy shall be filled by the board of commissioners of Cumberland county from qualified persons residing and living in said territory.
- SEC. 6. That the fence commissioners hereby appointed and all subsequent appointees shall before entering upon the discharge of their duties take an oath before some person qualified to administer oaths that they will faithfully and impartially perform the duties of their said offices; they shall, as soon as the fence is
- May condemn land.
- Proviso.
- Election of chairman.
- Annual report.
- Special tax may be levied on certain real estate.
- Live stock taken up, impounded, etc.
- Persons leaving open gates, etc., guilty of a misdemeanor.
- Proviso.
- Maximum penalty.
- Term of office of fence commissioners.
- Fence commissioners shall take oath.

built as above contemplated, give notice by posters at five suitable places in said territory, and this act shall go into effect ten days after the posting of said notice.

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

Ratified the 6th day of March, A. D. 1899.

#### CHAPTER 511.

**An act to regulate the times for holding the superior courts for the sixth judicial district.**

*The General Assembly of North Carolina do enact :*

- Superior courts in sixth district. SECTION 1. That the superior courts in the several counties of the sixth judicial district shall be opened and held at the times hereinafter set forth, to-wit :
- New Hanover. † Hew Hanover—Sixth Monday before the first Monday in March; sixth Monday after the first Monday in March; third Monday after the first Monday in September, each to continue two weeks and to be for the trial of civil cases only.
- Lenoir. Lenoir—Seventh Monday before the first Monday in March; ninth Monday after the first Monday in March; second Monday before the first Monday in September, and the tenth Monday after the first Monday in September, each to continue one week.
- Duplin. Duplin—Second Monday after the first Monday in March, to continue one week; first Monday in September, to continue one week; thirteenth Monday after first Monday in September, to continue two weeks.
- Sampson. Sampson—Fourth Monday before first Monday in March, to continue two weeks; eighth Monday after first Monday in March, to continue one week; fifth Monday after the first Monday in September, to continue two weeks.
- Pender. Pender—First Monday in March, to continue one week; Monday after first Monday in September, to continue two weeks.
- Carteret. Carteret—Fourth Monday after the first Monday in March, and seventh Monday after first Monday in September, to continue one week each.
- Jones. Jones—Third Monday after the first Monday in March, and eighth Monday after first Monday in September, each to continue one week.
- Onslow. Onslow—Fifth Monday after the first Monday in March; ninth Monday after first Monday in September, each to continue one week.
- Greene. † Greene—Monday before the first Monday in March; Monday

before the first Monday in September, and twelfth Monday after first Monday in September, each to continue one week.

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

SEC. 3. That any act previously passed during this session of the legislature (eighteen hundred and ninety-nine), regulating the time for holding courts in Duplin county shall be suspended after the first day of July, eighteen hundred and ninety-nine. Previous acts suspended.

SEC. 4. That this act shall be in full force and effect from and after the first day of July, eighteen hundred and ninety-nine. When effective.

Ratified the 6th day of March, A. D. 1899.

#### CHAPTER 512.

An act to authorize the commissioners of Duplin county to levy a special tax for the purpose of building a causeway across Goshen swamp.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the county commissioners of Duplin county be and they are hereby authorized and empowered to levy a special tax not to exceed ten cents on the one hundred dollars valuation of property and thirty cents on each poll for the year eighteen hundred and ninety nine, to be expended for the purpose of building a causeway across Goshen swamp, at Miller's bridge, in said county. County commissioners empowered to levy a special tax.

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

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

Ratified the 6th day of March, A. D. 1899.

#### CHAPTER 513.

An act to permit the sale of liquors on the Atlantic hotel property in Morehead City, North Carolina.

*The General Assembly of North Carolina do enact:*

SECTION 1. That upon payment of the county and state taxes required by law the owners of the Atlantic hotel property, located in Morehead City, North Carolina, shall have the privilege of retailing spirituous, vinous and malt liquors on their premises during the months of June, July, August and September of each year. Owners of Atlantic hotel property allowed to retail liquor on payment of license.

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

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 514.

**An act to provide the manner of elections and the registration of voters in cities and towns, and for elections upon local questions in counties and townships.**

*The General Assembly of North Carolina do enact :*

Election law for cities and towns.

SECTION 1. That all elections held in any city or town in this state where the charter of such city or town or any special act does not provide the manner of holding such city or town election and for the registration of voters shall be held under the rules as hereinafter provided: *Provided*, this act shall apply to the city of Asheville, and that the special election law of the city of Asheville as contained in chapter one hundred and sixty three, private laws eighteen hundred and ninety-seven, including sections four, five, six, seven, eight, nine, ten, eleven, twelve and thirteen of said chapter be and the same is hereby repealed.

Proviso.  
Shall apply to Asheville.

Polling places.

SEC. 2. That there shall be at least one polling place in each ward in the town or city if the said town or city is divided into wards, and if not divided into wards then there shall be as many polling places as may be established by the governing body of said town or city.

New registration may be ordered.

SEC. 3. That where there has been a registration of voters in any city or town the town commissioners, board of aldermen, board of councilmen, or by whatever name said governing body may be designated in the charter of said city or town, may in their discretion order a new registration of voters; and unless said new registration shall be ordered the election shall be held under the existing registration with such revision as is herein provided.

Notice shall be given of new registration.

SEC. 4. That in case any city or town shall order a new registration the said governing body shall give thirty days' notice thereof by advertisement in some public journal if there be [be] one published in the town or city, or in lieu thereof in three public places in said city or town.

Election of registrars.

SEC. 5. The governing body of any city or town, whether designated as town commissioners, city councilmen or board of aldermen, shall select at least thirty days before any city or town election one person for each election ward or election precinct, who shall act as registrar of voters for such ward or election precinct; said governing body shall make publication of the names of the persons so selected at the town or city hall immediately after such appointment and shall cause a notice to be served upon said persons by the sheriff of the county or the township constable; if any registrar shall die or neglect to perform his duties said governing body may appoint another in the place.

Failure of registrar to serve.

SEC. 6. Registrars appointed under this act shall be furnished with registration books, and it shall be their duty to revise the existing registration books of their ward or precinct in such manner that said books shall show an accurate list of the electors previously registered in such ward or precinct and still residing therein, without requiring such electors to be registered anew; and said registrars shall also, between the hours of sunrise and sunset on each day (Sunday excepted) for ten days preceding the day for closing the registration books as hereinafter provided, keep open said books for the registration of any new electors residing in such ward or precinct and entitled to register, whose names have never before been registered in such ward or precinct or do not appear in the revised list; that said books shall be closed for registration on the Saturday before each election.

Registrars furnished with books, etc.  
Duties of registrars.

SEC. 7. That no elector shall be entitled to register or vote in any other ward or precinct than the one in which he is a bona fide resident on the day of election, and no person who is sojourning in any ward or precinct of a town or city for a temporary purpose shall be deemed a bona fide resident there for the purpose of registration or voting in any election held in said city or town.

When registrar's book shall be closed.

Precinct in which elector is entitled to register.

SEC. 8. That on the Saturday before the election said registration books shall be kept open at the polling place in the ward or precinct to the inspection of the electors of the ward or precinct, and any of said electors shall be allowed to object to the name of any person appearing on said books. In case of any such objection the registrar shall enter upon his books opposite the name of the person so objected to the word "challenged," and when the elector so challenged shall present himself to vote on the day of election the registrar, together with the judges of election herein provided for, shall hear and decide said objection: *Provided*, nothing in this section shall prohibit any elector from challenging or objecting to the name of any person registered or offering to register at any other time than that above provided.

Books shall be open to inspection.

Challenges.

Proviso.

If any person challenged or objected to shall be found not duly qualified the registrar shall erase his name from the books. The town commissioners, board of aldermen, board of councilmen, or such board as may constitute the governing body by whatever name called of the town or city shall on or before the first Monday of the month immediately preceding any town or city election, appoint two judges of election, who shall be of different political parties where possible, and shall be men of good character, able to read and write, at each place of holding elections in said city or town. The said judges of election shall attend at the places for which they are severally appointed on the day of election, and they, together with the registrar for such ward or

Names of persons registered and not duly qualified shall be erased.

Appointment of judges.

Duties of judges of election.

Shall take oath.

A  
precinct, who shall attend with the registration books, after being sworn by some person authorized to administer oaths, to conduct the election fairly and impartially, according to the constitution and laws of the state, shall open the polls and superintend the same until the close of the election; they shall keep poll books in which shall be entered the name of every person who shall vote, and at the close of the election they shall certify the same over the proper signatures and deposit them with the said governing body of said city or town.

Persons qualified to vote.

SEC. 9. No person not qualified under the general law of the state to vote for members of the general assembly shall be entitled to register and vote in any city election; and every person who is qualified under the general law of the state to vote for members of the general assembly shall be entitled to register and vote in any city election. Every person who shall present himself for registration shall state under oath how long he has resided in the state and city in which he offers to vote, when he became twenty one years of age, how long he has resided in the ward or precinct in which he offers to register, where he resides, giving number of the house in which he resides, and if not numbered he shall designate the same by streets, and if the elector has been previously admitted to register in any other ward or precinct in the town he shall not be allowed to register again in another ward or precinct there or until he produces a certificate of the registrar of the former ward or precinct that said elector has removed from said ward or precinct and that his name has been erased from the ward or precinct from which he has removed; and the identity of any person claiming the right to be registered in any ward or precinct by virtue of such certificate with the person therein named shall be proved by the oath of the claimant, and when required by the registrar, by the oath of at least one other elector. Every person who is qualified to register shall take the oath required in the general law of the state for persons registering as electors in any town election in the state.

Persons presenting themselves for registration shall take oath.

Identity of elector proven.

No registration allowed on day of election.

SEC. 10. No registration shall be allowed on the day of election, but if any person shall give satisfactory evidence to the registrar and judges of election that he has become of the age of twenty-one years on the day of election, or has for any other reason on that day become entitled to register and vote, he shall be allowed to register and vote.

Persons may be challenged on day of election.

SEC. 11. On the day of election any elector may and the registrar and judges of election shall challenge the vote of any person who may be known or suspected not to be a duly qualified voter.

Registrar and judges shall determine cause of challenge.

SEC. 12. When any person is challenged the registrar and judges of election shall hear and determine the cause of challenge under

the rules and regulations prescribed by the general law regulating elections for members of the general assembly.

SEC. 13. The polls shall be open on the day of election from sunrise in the morning until sunset of the same day and no longer, and each person whose name may be registered and who shall not be challenged and rejected shall be entitled to vote.

When polls shall be open.

SEC. 14. Immediately after any election the registrar and judges of election shall deposit the registration books for the respective wards or precincts with the governing body of the town or city.

Ballots, how printed.

SEC. 15. All ballots shall be printed upon white paper and shall be of the same size, without device, mutilation or ornamentation, the size and weight of which shall be prescribed by the governing body of the town or city, notice of which shall be published ten days before the election in some newspaper published in the town or city, if any, and at least twenty five copies thereof shall be deposited in the office of the mayor or presiding officer of the city or town, copies of which shall be furnished to the chairman of each political party and to any candidate applying for the same. The governing body of the city or town shall provide for each ward or election precinct in their respective cities or towns necessary ballot boxes in which to deposit the ballots; each of said boxes shall have an opening through the lid to admit a single folded ballot and no more. Said ballot boxes shall be kept by the judges of election for the use of said election precincts respectively, and the said registrar and judges of election before the voting begins shall carefully examine the ballot boxes and see that there is nothing in them.

Governing body of town shall prepare ballot boxes.

SEC. 16. When the election shall be finished the registrar and judges of election shall open the boxes and count the ballots, reading aloud the names of the persons which shall appear on each ticket, and if there shall be two or more tickets rolled up together or any ticket shall contain the names of more persons than such elector has a right to vote for, or shall have a device or ornament upon it, or shall be manifestly of a different size and color than that prescribed as herein provided by the governing body of the city, in either of these cases such tickets shall not be numbered in taking the ballots, but shall be void, and the said counting of votes shall be continued without adjournment until completed and the result thereof declared. The registrar and judges of election in each ward and voting precinct shall appoint one of their number to attend the meeting of the board of city canvassers as a member thereof and shall deliver to the member who shall have been so appointed the original returns or statement of the result of the election in such ward or precinct, and the members of the several ward or precinct board of election who shall have been so appointed shall attend the meeting of the

Boxes shall be examined before voting begins. Counting of ballots.

Counting of votes shall continue without adjournment.

Delivery of original returns to city canvassers.

board of city or town canvassers in which they shall have been appointed as members thereof. The members of the several ward or precinct boards of election, after the original return or statement of the result of the election in the ward or precinct to which they respectively belong shall have been delivered as directed in the preceding section, shall constitute the board of city canvassers for such election in the city or town in which said ward or precinct shall be situated.

Board of city canvassers, of whom composed.

Board of election.

SEC. 17. A majority of the members of the several ward or precinct boards of election who shall have been appointed to attend the city or town board of canvassers as members thereof shall constitute such board.

When board of canvassers shall meet.

SEC. 18. The board of city or town canvassers shall meet on the next day after the election at twelve o'clock m. of that day at the mayor's office, and they shall each take the oath prescribed in the general law governing elections in this state for members of the board of county canvassers, to be administered to them as provided in the general law.

Canvass of returns

SEC. 19. The board of city or town canvassers shall at their said meeting in the presence of such electors as choose to attend open and canvass and judicially determine the returns and make abstracts, stating the number of legal ballots cast in each ward or precinct for each office, the name of each person voted for and number of votes given to each person for each different office and shall sign the same. Said board shall have power and authority to judicially pass upon all the votes relative to the election and judicially determine and declare the true result of the same, and they shall have power and authority to send for papers and persons and examine the latter upon oath.

Judicial determination of result.

In other respects such elections held as prescribed by general law.

SEC. 20. In all other respects all elections held in any town or city in this state shall be conducted as prescribed by the general law of the state for the election of members of the general assembly.

Elections on local option, etc.

SEC. 21. That in all elections held in any of the counties or townships of the state upon the question of local option, dispensary, issuing of bonds, subscription of bonds, or for the purpose of electing tax collectors, or upon the question of stock law, or for any other purpose than the election of county, township, state or national officers, the same shall be held under the existing registration, revised as herein provided in such manner that said registration books shall show an accurate list of the electors previously registered in the several precincts or townships in which the election is to be held and still residing therein without requiring such electors to be registered anew, and the registration and election in county and township elections, held for any of these purposes, shall be as provided herein for city and town elections:

Shall be held under existing registration, revised.

*Provided*, that if the election is in a county, the registrar and the two judges of election for the several voting places shall be appointed by the board of commissioners of the county, and the members appointed by the registrar and judges of election at the several precincts to take their turns as herein provided in said elections shall constitute the county or township canvassing board for the purpose of canvassing and determining the result of said election; and said board shall meet for that purpose on the second day after the election at the court house in such county and determine and declare the result of the election as herein provided for canvassing and determining the result of city and town elections; and in all other respects said registration and election for said purposes shall be conducted and the result ascertained and declared as is herein provided for registration and elections, and ascertaining and determining the result of elections in cities and towns: *Provided*, that elections upon the question of stock law, local option and all other matters except the elections for political officers, shall be held under the provisions of The Code of North Carolina. This proviso shall apply only to the county of McDowell.

SEC. 22. That in any city or town where the charter thereof provides a method of holding a city or town election different from the one herein prescribed, the governing body may order and direct the holding of the city or town election under the provisions of this act.

SEC. 23. That all vacancies occurring on the day of election in the office of registrar or judges of election of that precinct, and all vacancies occurring at other times shall be filled by said governing body.

SEC. 24. That all laws and clauses of laws in conflict with the act are hereby repealed.

SEC. 25. The act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1899.

Proviso.

When election is in county.

Board shall meet at court house.

Elections held in all other respects as prescribed by general law.

Proviso.

Where charter provides for election law, governing body may order provisions of this act substituted.

Vacancies occurring among registrars, etc.

Conflicting laws repealed.

CHAPTER 515.

An act to appoint additional justices of the peace in certain townships in North Carolina.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the following named persons be and they are hereby appointed justices of the peace for their respective townships in North Carolina for a term of six years beginning April first, eighteen hundred and ninety-nine:

Justices of peace appointed for term of six years from April 1st, 1899.

## ALAMANCE COUNTY.

Counties.  
Alamance.

Newlin's township—W. J. Stockard, D. M. Moore.  
 Thompson's township—George T. Morrow.  
 Albright's township—Lewis H. Holt.  
 Morton's township—Jeff. D. Wilkins, Ben. L. Simpson, T. B.  
 Barker

## ALLÉGHANY COUNTY.

Alleghany.

Cherry Lane township—L. W. Fender.

## BERTIE COUNTY.

Bertie.

Windsor township—Abner L. Pritchard, W. T. Asbell, W. T.  
 Heckstall.  
 Merry Hill township—George A. Hardin, W. R. Capehart, P. T.  
 Perry.  
 White's township—T. P. Smallwood, John W. Leary, John T.  
 Hoggard.  
 Colerain township—W. S. Tayloe, W. B. Watford, D. R. Brit-  
 ton, G. N. Green.  
 Mitchell's township—John H. Bowen, W. A. Jenkins, W. D.  
 Hoggard.  
 Roxobel township—A. Capehart, S. A. Norfleet, Jr., John E.  
 Tyler.  
 Snake Bite township—William E. Harrell, Charles Tayloe,  
 Levi Hoggard.  
 Indian Woods township—E. R. Outlaw, A. S. Collins, J. F.  
 Whedbee.  
 Woodville township—J. A. Modlin, J. L. Harrington, George  
 P. Bazemore, J. W. Ballance, J. H. Britt.

## BURKE COUNTY.

Burke.

Lower Fork township—Riley Talent, D. C. Hoyle.  
 Icard township—H. A. Adams.

## BLADEN COUNTY.

Bladen.

Elizabethtown township—L. J. Hall, F. M. Willis, J. B. West.  
 Carver's Creek township—J. P. Council, Jr., J. B. McFadyen,  
 E. J. Gainesby.

## BUNCOMBE COUNTY.

Buncombe.

Asheville township—R. C. Sales, D. W. Bruton, J. R. Ballew,  
 J. H. Brooks, J. B. Erwin, Mark Roberts, J. H. Woody.

## BEAUFORT COUNTY.

Beaufort.

Richland township—E. D. Lewis, J. M. Litchfield, Charlie  
 Midgett, W. W. Hooker, C. E. Adams.  
 Pantego township—C. C. Smith.  
 Washington township—A. Mayo.

## BRUNSWICK COUNTY.

North West township—J. D. Robbins, Joseph Gay, Seth Brunswick, Williams.

Town Creek township—George H. Bellamy, George M. McKeithen, John N. Bennett, Samuel Swindell.

Lockwood's Folly township—George Leonard, George W. Kirby.

Shalotte township—John Henry Meintz, Robert Pigott.

## CABARRUS COUNTY.

Number Nine township—C. T. Smith. Cabarrus.

Number Twelve township—J. N. Brown.

## COLUMBUS COUNTY.

Waccamaw township—H. H. Holton, H. B. Short. Columbus.

Ransom township—D. S. Cowan, George Applewhite, for two years from and after his present term.

## CHEROKEE COUNTY.

Notla township—J. W. Kitpatrick. Cherokee.

Valley Town township—J. B. Ladd.

## CATAWBA COUNTY.

Catawba township—Jones Cochran. Catawba.

## CHATHAM COUNTY.

Oakland township—T. A. Yarborough. Chatham.

## CLEVELAND COUNTY.

Number Nine township—W. D. Short. Cleveland.

Number Two township—D. S. Lovelace, T. G. Lee.

Number Seven township—J. H. Lee.

Number Eleven township—G. W. Peeler, Peter Buff.

## CURRITUCK COUNTY.

Crawford township—Henry B. Ansell, T. F. Baxter. Currituck.

Moyoek Township—A. M. Willey, W. L. Wilson.

Poplar Branch township—Dallas Newbern.

Fruitville township—E. D. Bowden, S. J. Waterfield.

## CUMBERLAND COUNTY.

Black River township—W. B. Warren, J. C. Williams, J. W. Cumberland, Stricklin, J. L. Smith.

Carver's Creek township—W. B. Ray, W. R. King.

## DAVIDSON COUNTY.

Thomasville township—W. A. Meendenhall. Davidson.

Meidway township—David Lindsay, Pleas Nefong.

Abbott's Creek township—J. R. Osborne and Charles Hammer.

Tyro township—Hamilton Helmstutler.

## DAVIE COUNTY.

- Davie. Jerusalem township—P. S. Stewart.  
 Shady Grove township—A. C. Hood.  
 Farmington township—A. W. Ellis, W. F. Jhonson, James Taylor.  
 Clarksville township—Isaac Roberts, J. N. Howell.  
 Calahan township—Scott Smoot.  
 Mocksville township—W. C. Denny.

## DUPLIN COUNTY.

- Duplin. Fairar [Faison] township—Thomas Perrett, Dr. M. Moore, Dallas Cameron.  
 Kenansville township—Henry Dail, G. W. Carroll, A. F. Williams.  
 Rose Hill township—I. P. Alderman.  
 Magnolia township—George Edwards.  
 Island Creek township—J. D. Teachey.

## FORSYTH COUNTY.

- Forsyth. Vienna township—R. C. Lineback, E. W. Hauser, D. H. Hendricks.  
 Salem Chapel township—L. C. Merritt, Joe F. Grubbs, A. G. Martin.  
 Middle Fork township—L. W. Pegram, E. W. Linville, R. J. Morriss.  
 Kernersville township—N. W. Sapp, R. E. Steele.  
 Salem township—R. A. Jenkins, T. B. Douthit, W. T. Carter, T. H. Vogler, Irvin McIver.  
 Winston township—J. C. Bessent.  
 Clemmonsville township—J. A. Sheek, Frank Cook, Z. H. Cotner.  
 Lewisville township—A. M. Smith, M. M. Reynolds, F. E. Hine, Costen E. Harper.  
 Rural Hall township—J. N. Andrews.  
 Old Town township—W. M. Hinshaw.  
 Broad Bay township—William Shepherd.

## GREENE COUNTY.

- Greene. Ormondsville township—H. C. Edwards, E. D. Little.  
 Willow Green township—F. T. Carr.  
 Olds township—F. L. Rouse, Taylor Barron, John T. Barrett.  
 Carr's township—B. F. Moore, John T. Shackilford, W. G. Walston.  
 Speight's Bridge township—W. M. Darden.  
 Bull Head township—J. W. Crocker, Jno. W. Taylor.

## GASTON COUNTY.

Dallas township—Marion D. Friday, Ambrose P. H. Rhyne. Gaston.  
 Cherryville township—N. B. Kendrick, W. O. Harrelson.

## GUILFORD COUNTY.

Deep River township—Jesse W. Sapp. Guilford.

## HENDERSON COUNTY.

Crab Creek township—W. M. Aiken, Solomon Osteen. Henderson.  
 Hendersonville township—J. E. Shipman.  
 Blue Ridge township—Z. T. Young, S. M. King.  
 Hooker Creek township—J. F. Livingston, W. W. Hutchinson.  
 Green River township—C. J. Heatherly, Alex Barber.  
 Edueyville township—M. L. Williams, Columbus Oates.

## HALIFAX COUNTY.

Butterwood township—A. J. Dickens, T. C. Alston. Halifax.  
 Faucett's township—B. V. Betts, John O'Brien, S. P. Johnson,  
 J. C. Betts.  
 Halifax township—W. A. Willcox, M. H. Clark, W. D. Willcox,  
 J. E. Fleming, W. E. Barkley.  
 Littleton township—C. D. House, T. M. Pulley, W. E. Spruill,  
 J. D. Thorne.  
 Weldon township—B. A. Pope, J. E. Moore.

## HYDE COUNTY.

Swan Quarter township—J. M. Watson, Henry H. Swindell, Hyde.  
 George T. Crulle, Nathaniel C. Williams.  
 Currituck township—J. Henry Spencer, W. M. Smithwick,  
 A. R. Davenport.

## HAYWOOD COUNTY.

Beaver Dam township—J. L. Moore. Haywood.

## HARNETT COUNTY.

Buckhorn township—R. T. Spence, M. V. Prince, B. F. Harrington. Harnett.  
 Lillington township—W. F. Marsh, J. R. Grady, Gilliam Parker,  
 Colen McArten, Charles Rich, James Salmon.  
 Johnsonville township—R. C. Belden, A. C. Buie.  
 Upper Little River township—T. A. Harrington, S. W. Withers.  
 Anderson's Creek township—H. D. McCormick, Malcom Black,  
 Hugh Black.  
 Hector's Creek township—D. E. Green, N. A. Smith, J. A. Smith,  
 Malcom Senter.  
 Grove township—J. A. Stewart.

## IREDELL COUNTY.

Davidson township—J. A. Mills. Iredell.

## JACKSON COUNTY.

Jackson. Green's Creek township—J. C. Reed, John Sutton.

## JOHNSTON COUNTY.

Johnston. O'Neal township—L. H. Boykin.  
Boone Hill township—W. D. Phillips.

## JONES COUNTY.

Jones. Polloksville township—Dan Whitford.

## LINCOLN COUNTY.

Lincoln. Catawba Springs township—J. W. McIntosh.  
Ironton township—J. E. Cronerland, D. A. Troutman.  
Lincolnton township—S. Pink Sherrill, H. J. Crooks.

## LENOIR COUNTY.

Lenoir. Vance township—John F. Harper, Robert A. Wooten.  
Contentnea Neck township—Elias L. Hazelton, W. P. Gilbert.  
Falling Creek township—W. H. Sutton.  
LaGrange township—Shade Wooten, Sr.

## MECKLENBURG COUNTY.

Mecklenburg. Sharon township—J. Watt Kirkpatrick, W. S. Pharr.  
Lemley's township—J. M. Wilson.  
Long Creek township—M. B. Alexander, Thomas Gluyras,  
Albert McCoy.  
Deweese Creek township—J. Lee Sloan.  
Mallard Creek township—John Graham Alexander, A. S. Kirk,  
W. D. Alexander, W. M. Abernathy, G. E. Woodruff.  
Crab Orchard township—John C. Orr, W. G. McLaughlin.  
Clear Creek township—J. P. Flow, C. P. Mungo, Dallas A. Hen-  
derson.  
Providence township—Henry Bryant, John O. Alexander.  
Steel Creek township—J. R. Porter, R. A. Grier, J. B. Watt.  
Berry Hill township—H. D. Stowe, S. S. Herron.  
Charlotte township—R. E. Young, George J. Ethridge, E. S.  
Williams, L. J. Walker, Z. T. Smith, J. S. Withers, M. Frank  
Dowd, Walter L. Alexander, S. H. Hilton, William F. Elliott,  
William H. Hall, F. C. Abbott, Brevard D. Springs.

## MITCHELL COUNTY.

Mitchell. Bakersville township—R. J. Young.  
Fork Mountain township—Joseph Hopson.  
Cranberry township—W. C. Walsh.  
Red Hill township—T. G. Phillips.  
Toe River township—J. P. Thompson.  
Hollow Poplar township—David Tipton.  
Grassy Creek township—M. D. Wiseman.

## MONTGOMERY COUNTY.

- Pee Dee township—Daniel Robinson, C. W. Wooley. Montgomery.  
 Uwharrie township—G. W. Morris, John F. Hamilton.  
 Mount Gilead township—J. A. McAuley, A. O. Haywood.  
 Cheek's Creek township—J. R. McKensie, R. P. Williams,  
 Charles Brookshire.  
 Rocky Spring township—W. F. Roper, A. F. Rush.  
 Hollingsworth township—A. B. McCaskill, R. B. Sutton, J. A.  
 McLeod.  
 Hill township—Hiram Freeman, J. G. Stout, D. C. Cockran.  
 Little River township—Nixon Lucas, L. A. Wright.  
 Ophir township—J. R. Saunders, C. C. Callicutt.  
 Elderado township—John F. Cotton, A. H. Saunders.  
 Troy township—J. M. Deaton, Archie Blue.

## MADISON COUNTY.

- Number Nine township—E. N. Fry. Madison.  
 Number Eleven township—Alexander Cole.  
 Number Eight township—Robert H. Hipps.  
 Number Five township—D. S. Ball, W. H. Jervis.  
 Number Ten township—J. M. Wallen.  
 Number Fifteen township—W. O. Conner, Yates Ammons, J. A.  
 Ball.  
 Number One township—Daniel Wallen.

## MARTIN COUNTY.

- Cross Roads township—L. B. Wynn. Martin.  
 Hamilton township—Frank Johnson.  
 Jamesville township—G. M. Burros.  
 Robersonville township—M. A. Roberson.

## MCDOWELL COUNTY.

- Broad River township—D. L. Clements. McDowell.  
 Marion township—M. M. Blanton, J. M. Neal.

## NORTHAMPTON COUNTY.

- Gaston township—N. D. Wilkins, B. M. Pugh, J. H. Crew. Northampton.  
 Seaboard township—Willie Reed.  
 Oconechee township—W. T. Joyner, Edward G. Guerlick, John  
 W. Taylor, Robert Ransom.  
 Jackson township—Edwin Wright, J. T. Peebles, James S.  
 Grant.  
 Rich Square township—Elijah Outland, H. C. Edwards.  
 Roanoke township—George P. Burgwyn.  
 Kirby township—J. T. Parker.

## NASH COUNTY.

- Nash. Castalia township—A. O. Braswell.  
 Cooper's township—W. H. Proctor.  
 Ferrell's township—K. W. Ballentine.  
 Stony Creek township—J. W. Barrett.  
 N. Whitaker's township—J. H. Burnette, W. R. Mann, T. H. Powell.  
 Nashville township—J. P. Jenkins.  
 Rocky Mount township—J. D. Odum.  
 S. Whitaker's township—J. M. Gay.

## NEW HANOVER COUNTY.

- New Hanover. Wilmington township—S. P. Collier, W. W. Harriss, F. A. Lord, William Gilchrist, W. F. Robertson, William E. Worth.  
 Masonboro township—John G. Wagner.

## ORANGE COUNTY.

- Orange. Hillsboro township—J. H. Fowler.

## ONSLow COUNTY.

- Onslow. Swansboro township—David G. Ward.  
 Jacksonville township—John H. Marshburn.

## PASQUOTANK COUNTY.

- Pasquotank. New Land township—W. J. F. Spence, B. C. Jackson, Mark Sawyer.  
 Providence township—Cader Jennings, Fred Whitehurst, Robert Whitehurst.  
 Elizabeth City township—M. G. Wright, W. S. White, M. M. Sawyer, R. O. Pryor.  
 Mount Hermon township—T. C. Perry, D. C. Perry, W. H. Thompson.  
 Nixonton township—G. W. Cartwright, W. H. Reid, E. V. Davenport.  
 Salem township—F. M. Newby, T. E. Palmer, Caleb Raper.

## PERQUIMANS COUNTY.

- Perquimons. Belvidere township—E. G. Simpson, W. H. Lamb, J. R. Joliffe.  
 Parkville township—A. W. Jordan, J. A. Byrum, James Towe.  
 New Hope township—B. F. Bray, D. G. Newby, W. E. Wood.  
 Bethel township—W. N. Long, W. A. Jackson, W. B. Tucker.  
 Hertford township—W. S. Blanchard, W. A. Felton, L. D. Chappell.

## PENDER COUNTY.

- Pender. Rocky Point township—J. A. Hoeut, Andrew M. Bowden.  
 Topsail township—R. K. Bryan, J. A. King, Monroe Atkinson.  
 Long Creek township—Major Clark, Hileary S. George, J. Q. Bell.

## ROCKINGHAM COUNTY.

Ruffin township—J. A. Gibson.

Rockingham.

Leaksville township—H. P. Foard, J. A. Hopper, J. W. Broadnax.

Wentworth township—John R. Moore.

Williamsburg township—Fletcher Paschal, Alonzo McKinney, D. W. Gilliam, T. H. R. Pritchett.

Price township—N. C. Dashaza, T. J. Roberts, Jason Barnes.

Stoneville township—N. S. Smith, John D. Meador.

## ROWAN COUNTY.

Salisbury township—W. L. Kluttz.

Rowan.

Providence township—C. M. Miller.

## RUTHERFORD COUNTY.

Rutherfordton township—John H. Wood.

Rutherford.

## RICHMOND COUNTY.

Stewartsville township—James M. Graham, D. W. Hasty, E. H. Kendall, Alex. Jones.

Laurel Hill township—Dougald Stewart, J. H. Lee.

Spring Hill township—George McIntosh, Ed. McNair, John Mallory McLean.

Williamson township—James Mason, J. Monroe Livingstone, J. B. M. Colman, W. F. Gibson, Simeon Gibson.

Black Jack township—J. A. Covington.

Rockingham township—H. S. Ledbetter.

Mineral Springs township—S. T. Bostwick.

Beaver Dam township—Alexander N. Page.

Wolf Pit township—W. E. Crosland.

Marks Creek township—D. H. McDonald.

Steele's township—W. F. Brookshire.

## ROBESON COUNTY.

Thompson township—W. H. Graham.

Robeson.

Blue Springs township—Charles A. Purcell.

## SURRY COUNTY.

Westfield township—J. D. Richardson, A. F. Snody.

Surry.

## STANLY COUNTY.

Harris township—R. J. Ross.

Stanly.

## TRANSYLVANIA COUNTY.

Boyd township—G. T. Lyday, T. R. Duncan.

Transylvania.

Glocester township—W. F. Galloway.

## TYRRELL COUNTY.

Alligator township—E. R. Spruill, L. P. Combs.

Tyrrell.

Gum Neck township—C. W. Tatem, W. J. Cohoon, C. E. Cohoon.

## UNION COUNTY.

Union. Monroe township—H. C. Moore.  
 Buford township—J. G. Doster.

## WATAUGA COUNTY.

Watauga. Stony Fork township—D. B. Wagner, C. A. Grubb.

## WILSON COUNTY.

Wilson. Wilson township—John A. Corbett and R. J. Taylor, each for  
 a term of two years.  
 Stantonsburg township—Benjamin J. Thompson, term two  
 years.  
 Saratoga township—T. R. Eagles.

## WILKES COUNTY.

Wilkes. Brushy Mountain township—D. A. Reece.  
 Lovelace township—York Hayes.  
 Somers township—D. C. Jarvis.  
 New Castle township—G. W. Sale.  
 Antioch township—Clarence Parks.  
 Wilkesboro township—R. M. Staley, D. E. Smoak.  
 Edwards township—George P. Reeves, J. W. Burchett.  
 Trap Hill township, Number One—J. C. Lowe.  
 Trap Hill township, Number Two—Finley Gentry.  
 Walnut Grove township—F. H. Alexander.  
 Mulberry township—Martin Shatley.  
 Rock Creek township—I. N. Bangus.  
 Reddie's River township—Jesse H. McNeil.  
 Beaver Creek township—L. C. Ferguson.  
 Job's Cabin township—D. B. Owen.

## WAKE COUNTY.

Wake. Barton Creek township—J. D. Allen, G. B. Norwood, Daniel  
 Hockaday, C. B. Lyons, David C. Beck, Paul Bailey.  
 Buckhorn township—J. W. Bolling, B. B. Freeman, J. H. Du-  
 pree, J. J. Edwards, R. C. Patrick, John Judd.  
 Cary township—A. W. Moye, Rufus H. Jones, J. B. Steadman.  
 Cedar Fork township—W. C. Surles, John P. Sorrell, J. W.  
 Parker, M. S. Barbee, A. B. Lynn.  
 House's Creek township—Sion H. Smith, A. M. Thompson,  
 Isaiah Goodwin, J. G. Harward.  
 Holly Springs township—David C. Adams, Walter L. Norris,  
 James M. Dennis.  
 Little River township—E. P. Wiggs, J. M. Whitly, C. Dennis  
 Jones, Amos Dean, E. S. Horton, W. W. Pace.  
 New Light township—James M. Estes, A. B. Lassiter, Paul  
 Jones, W. H. O'Brien, Benjamin F. Lawrence, W. H. Chappell.

Middle Creek township—George M. McCullers, Louis H. Smith, B. K. Partin, J. Archibald Smith, W. H. Holland, J. E. Stimson.

Mark's Creek township—Bryan D. Harrison, R. E. Richardson, F. M. Ferrell, W. A. Liles, A. T. Mial, George T. Kennedy.

Neuse River township—J. T. Hunter, John J. Dunn, George W. Norwood, P. A. Dunn, E. S. Dunn.

Oak Grove township—J. H. Lynn, James M. Patterson, J. G. Furgerson, M. S. Chandler, James C. Nichols.

Panther Branch township—Willis P. Turner, H. Frank Smith, J. Wiley Jones.

St. Matthew's township—Eugene Bartholomew, N. W. Pool, John Baugh, Sidney Partin, Sanders Gattis, Melvin Pool.

St. Mary's township—Thomas Johns, C. H. Allen, Joseph T. Broughton, Alexander Snelling, George Mitchell, H. D. Rand.

Swift Creek township—Burrell S. Franklin, Rufus Stephenson, Isaac Langston, Sidney Morgan, Thomas Harrison.

Wake Forest township—Marion Purefoy, Zeb. Vance Reed, R. C. Freeman, J. A. Hartsfield, George W. Davis, John D. Peebles, I. A. Young.

White Oak township—W. Charles Hunter, W. A. Ellington, Theophilus Maynard, Armelius Suggs, John S. Baucom.

#### WARREN COUNTY.

River township—Robert H. Morris, C. B. Vaughn, W. S. John-<sup>Warren</sup>ston.

Sixpound township—R. B. Thornton, G. R. Scoggin, J. C. Gardner, W. G. Coleman, Sr., W. P. Rodwell, R. B. Shaw.

Hawtree township—P. M. Stallings, A. S. Webb, J. M. Brame, C. W. Cole, T. J. Hicks, E. P. Fitts, R. P. Rodwell.

Smith Creek township—T. B. Williams, W. L. Baxter, Kasper Killian, E. B. Stallings, W. H. Cole, Nat. Allen.

Nutbush township—J. H. Bullock, B. M. Collins, John Seaman, L. N. Kimball.

Sandy Creek township—Grant Beardsley, W. D. Rose, B. H. Plummer, Lewis Allen, J. T. Mills, L. N. Watson, J. F. Reams.

Shocco township—J. H. Borroughs, James Montgomery, J. B. Ellis, J. S. Andrews, J. W. Clements.

Fishing Creek township—R. B. Davis, M. T. Duke, John Powell.

Judkins township—A. D. Stallings, M. E. Newsom, J. B. Harri-  
riss, J. J. Shearrin, J. J. Stallings, Leonard Wilker, T. J. Pitch-  
ford.

Warrenton township—H. B. Hunter Jr., P. H. Allen, E. C. Price, J. A. Downtin, J. B. Davis, R. C. Twitty.

Fork township—P. K. Williams, G. W. Alston, W. E. Davis, R. E. Williams, N. B. Perry, R. E. Davis.

Roanoke township—H. C. Mosely, T. W. Walker, H. B. Mosely.

## YADKIN COUNTY.

Yadkin. Booneville township—M. L. Woodhouse.

## YANCEY COUNTY.

Yancey. Cane River township—Wilson Hensley.

Clerk of various counties shall notify justices of the peace of their election on or before March 20th, 1899.

SEC. 2. That the clerks of the superior court of the several counties hereinbefore named shall notify the several persons hereby elected and appointed justices of the peace of their election on or before the twentieth day of March, eighteen hundred and ninety nine, and the said magistrates so appointed shall qualify before the clerks of the court of their respective counties on or before the first day of June, eighteen hundred and ninety-nine, and shall supply themselves with books at their own expense, except the acts of eighteen hundred and ninety-nine.

Said magistrates shall qualify on or before June 1st, 1899.

Conflicting laws repealed.

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

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 516.

An act to ratify and confirm the laying out and establishing of a public road from a point in the Boone and Blowing Rock Turnpike road, near Joe Winkler's, thence by way of Teague's mill to the junction of the Caldwell and Watauga and the Yonahlossee Turnpike roads.

*The General Assembly of North Carolina do enact :*

Establishing of public road ratified.

SECTION 1. That the laying out and establishing of the public road from a point in the Boone and Blowing Rock Turnpike road near Joe Winkler's, thence by way of Teague's mill to the junction of the Caldwell and Watauga and the Yonahlossee Turnpike roads, be and the same is hereby ratified and confirmed in all respects as heretofore made and reported.

Duties of commissioners in regard to said road.

SEC. 2. That the board of county commissioners of Watauga county are hereby authorized, empowered and required to treat and observe said road as having been laid off and established as provided in case of new roads, and in this respect shall appoint necessary overseers and hands for the building and completion of the same, observing the general law in the appointment of such hands and overseers.

Appointment of overseers and hands.

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 517.

An act to establish a road from Nathan Weaver's, in Alleghany, through Ashe county, to the Virginia state line, near Lee Lane's residence.

*The General Assembly of North Carolina do enact :*

SECTION 1. That B. A. Weaver, of the county of Alleghany, and R. F. Edwards and John M. Pierce, of the county of Ashe, are hereby appointed commissioners to lay off and grade a public road from the present public road near Nathan Weaver's residence, in Alleghany county, and running thence the most practicable route by Perry's mill to the first ford of New river, below the mouth of Prather's creek; thence crossing the river and down and with the river by Warden's store, and thence on down the river and through the low gap of the ridge, at or near where the road now goes through the said gap, and thence on down by Mark Blevin's to the first ford in north fork below his residence; thence crossing the north fork of New river, and thence down the river to mouth of Grassy creek; thence crossing the creek and on down the river some distance, and then leaving the river, and thence by way of Elija Smith's residence, and on so as to go to the right hand or east of the Red Hill school house to the top of the ridge; thence the most practicable route to the Virginia state line, near Lee Lane's residence.

Commissioners to lay off and grade said road.

Route of road.

SEC. 2. That said road or grade shall not exceed five degrees at any place and shall be not less than fifteen except where there is rock to go through or heavy side cutting.

Width of road.

SEC. 3. That after discharging their duties under this act, said road commissioners shall make two reports of their said survey in detail, giving location of said road and the distances, grades, etc. One of said reports they shall deliver to the county commissioners of Alleghany county and one to the county commissioners of Ashe county. In said report they shall state the distance of each tract of land through which said road passes and who the owner is, and the damage to each tract, and said road commissioners in assessing damages shall take into consideration all the advantages that the said road will be to the lands or land owners whose lands it passes through.

Report of commissioners.

To whom reports shall be delivered.

SEC. 4. That in order to construct said road after said report is made to them, the boards of county commissioners of the respective counties shall order out the hands liable to work on the public roads under the general law in their respective counties and appoint overseers to construct said road, living within a distance of one and one-half miles of said road in Alleghany, and within three miles in Ashe county, the hands in each county to be confined to the road in their own county.

Persons liable to road duty under general law may be called out.

Shall be laid off and constructed within two years.

SEC. 5. That said road shall be laid off and constructed under the provisions of this act within two years from the ratification of this act, and when the road is completed the overseers so appointed in each county shall make report thereof to the board of commissioners of their respective counties, and said road shall then be turned over by said county commissioners to the supervisors of the respective townships, and said supervisors shall then take charge of said road and appoint overseers and keep it up as the other public roads are kept up.

Road hands liable to penalties for failure to work.

SEC. 6. That all hands subject to road duty according to the provisions of this act shall be liable to all the penalties for failure to work that the road hands are under by the general laws for failing to work on the public roads.

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

Ratified the 6th day of March, A. D. 1899.

#### CHAPTER 518.

An act to authorize the township of Mount Airy, in Surry county, to issue refunding bonds.

*The General Assembly of North Carolina do enact :*

Board of justices of peace of Mt. Airy township authorized to borrow money. May issue bonds. Purpose of loan.

SECTION 1. That the board of the justices of the peace of Mount Airy township, in Surry county, are hereby authorized and empowered to borrow not exceeding twenty-five thousand dollars and to issue bonds therefor for the purpose of redeeming and paying off the bonded indebtedness of the said township with accrued interest now outstanding and remaining unpaid.

Date of bonds. Denomination of bonds.

SEC. 2. That the said bonds as hereby authorized shall be dated the first day of June, eighteen hundred and ninety-nine, and shall be issued in the denomination of five hundred dollars each, and shall bear interest at the rate not exceeding six per centum per annum, and shall have interest coupons attached maturing on the first day of December and the first day of June each year, covering the period for which it is issued, and the said bonds shall be due and payable on the first day of June, nineteen hundred and twenty-nine: *Provided*, that the said township shall have the power and the right of paying one thousand dollars on the principal annually, and in that event the bonds shall be so drawn as that two shall become due and payable each year.

Proviso. Payments on principal.

Sale of bonds.

SEC. 3. That the said bonds shall not be sold for less than par value.

SEC. 4. That the bonds now outstanding with the accrued interest shall be paid off and redeemed from the proceeds of the sale of the bonds hereby authorized, and after proper records have been made said bonds shall be cancelled and destroyed in the presence of three justices of the peace of the township, who shall certify to their destruction on the records kept.

Outstanding bonds shall be redeemed.

SEC. 5. That in order to pay the interest on the said bonds and to raise a sinking fund for the payment of the principal of the said bonds at maturity the board of county commissioners of Surry county shall annually at the time the county taxes are levied, until the principal and interest of the said bonds are paid levy a special tax sufficient for the purpose on the taxable property both real and personal and the polls of the said township not to exceed the constitutional limit and to observe the constitutional equation between property and poll and that the sheriff of Surry county shall collect the taxes levied as aforesaid under this section, and the taxes heretofore levied for this purpose as well as all taxes that may hereafter be levied on the said township in this section as it now stands or may hereafter be amended: *Provided*, that the said sheriff before entering upon the duties of the office aforesaid shall execute a bond payable to the state of North Carolina in a sum double the amount of the tax placed in his hands with securities approved by the board of county commissioners of Surry county, and he shall account to the said commissioners for the tax in the same manner as he accounts for other taxes: *Provided further*, that the said sheriff or tax collector shall deposit the money so collected by him in the First National Bank of Mount Airy, North Carolina, or some other solvent bank (except so much as may be necessarily used in the collection) to pay the interest on the bonds of the said township as it falls due, and the surplus to be a sinking fund to pay off the bonds at maturity.

Annual special tax may be levied.

Sheriff shall execute sufficient bond.

Proviso.  
Money, where deposited.

SEC. 6. That the bonds issued under the provisions of this act shall be signed by the chairman of the board of the justices of the peace of the said township, and countersigned by the secretary, and the bonds when so issued shall be binding upon the township.

Bonds, how signed.

SEC. 7. That the justices of the peace of the said township shall keep a record of all their proceedings, which at all times shall be open to the inspection of any taxpayer living in the said township.

Record of proceedings.

SEC. 8. That all laws and clauses of laws in conflict with provisions of this act, except chapter two hundred and fifteen of the laws of eighteen hundred and ninety one, are hereby repealed.

Conflicting laws repealed.

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 519.

## An act to elect justices of the peace for Stokes county.

*The General Assembly of North Carolina do enact :*

Additional jus-  
tices of the peace  
elected for Stokes  
county.

SECTION 1. That the following named persons be and are hereby elected as additional justices of the peace for Stokes county for a term beginning March fifteenth, eighteen hundred and ninety-nine, and ending the first Monday in August, nineteen hundred and one. That they shall be permitted to qualify by taking the usual oath of office at any time during the term for which they are elected, before the clerk of superior court of Stokes county or any justice of peace of said county, who shall charge no fee for the same. Their names are as follows:

Oath of office.

Danbury township—S B. Taylor, W. P. Ray, Isaac Hill, T. J. Davis and Walter F. Davis.

Sauratown township—Dr. Elias Fulp, James F. Fulton, E. S. Withers, J. I. Blackburn and S. C. Rierison.

Meadows township—L. G. Ross, J. E. Crews, James D. Lawson, Pleas Lewis and J. C. Wall.

Yadkin township—J. S. D. Pulliam, James T. Johnson, A. M. Boylus, D. F. Tillotson and Dr. B. T. Bitting.

Quaker Gap township—Presley Pearce, James A. Leak, G. W. Thore, J. C. Frairs and John C. Clark.

Peter's Creek township—F. L. Moore, James M. Burge, R. L. Lawson, T. W. Tilley and Joel Sheppard.

Snow Creek Township—John J. Shaffer, W. F. Brown, T. M. Martin, R. G. Joyce and W. H. Hawkins.

Beaver Island township—R. P. McAnally, P. H. Carter, Walter M. Flynt, Albert J. Wall and James W. Davis.

Boards of jus-  
tices of the peace,  
how constituted.

SEC. 2. That the justices of the peace herein provided for and elected together with the justices of the peace elected in Stokes county at the last general election (November, eighteen hundred and ninety eight), shall constitute the board of justices of the peace for Stokes county for the purposes of this act, and that they are authorized to elect a chairman and secretary of said board, and shall keep a record of their proceedings as a board and file the same with the clerk of superior court.

Shall meet in  
joint session  
with county  
commissioners.

SEC. 3. That the said board of justices of the peace shall meet with the county commissioners of Stokes county in joint session in each year during their term on such day or days as may be fixed by the revenue and machinery bills passed at this session of the general assembly of North Carolina and levy the taxes for the current years and at the same time elect the list takers and assessors as may be provided by law to list and assess the taxable property of Stokes county.

SEC. 4. That the said board of justices of the peace shall meet at the court house in Danbury on such day or days as may be provided for by this general assembly in the school law for the government of common schools in North Carolina, and elect such county board of education, county supervisors of common schools or examiners of teachers, or such other county officers as may be provided for the government of common schools of Stokes county.

Election of county board of education.

SEC. 5. This act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1899.

#### CHAPTER 520.

An act to abolish the criminal circuit, composed of the counties of Buncombe, Madison, Haywood, Henderson and McDowell.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the circuit court of Buncombe, Madison, Haywood, Henderson and McDowell counties be and the same is hereby abolished, and that the act of the general assembly of North Carolina, passed at its session of eighteen hundred and ninety-five, ratified on the twenty-third day of February, eighteen hundred and ninety five, being chapter seventy five of the public laws of eighteen hundred and ninety five, and entitled "An act to establish a criminal circuit, to be composed of the counties of Buncombe, Madison, Haywood and Henderson," be and the same is hereby repealed, and that chapters six and seven of the public laws of the session of eighteen hundred and ninety-seven and all other acts amendatory of chapter seventy five of the public laws of the session of eighteen hundred and ninety-five be and the same are hereby repealed.

Circuit court abolished.

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

Conflicting laws repealed.

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

Ratified the 6th day of March, A. D. 1899.

#### CHAPTER 521.

An act to prohibit fishing in Black river, in Pender county, for two years.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person to catch fish in Black river and its tributaries in Pender county for a term of two years, except sturgeon and shad and herring.

Fishing in Black river, Pender county for two years, unlawful.

SEC. 2. That any person or persons violating the provisions of

Violation of section 1 a misdemeanor  
Proviso.

this act shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars nor less than ten for each offense: *Provided*, That nothing in this act shall prevent persons from catching fish with hook and line.

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

Ratified the 6th day of March, A. D. 1899.

#### CHAPTER 522.

**An act to appoint William H. Long a justice of the peace, and for other purposes.**

*The General Assembly of North Carolina do enact:*

Justice of the peace appointed for Pitt county.

SECTION 1. That William H. Long, of Greenville township, Pitt county, be and he is hereby appointed a justice of the peace for the term of six years, his term of office to begin upon the passage of this act and his acceptance and qualification.

Section 71 of The Code not applicable.

SEC. 2. That section twenty seven of The Code of North Carolina shall not be applicable to the said William H. Long.

Such appointment shall not affect justice's right to practice law.

SEC. 3. That the appointment of the said William H. Long and his acceptance and qualification as a justice of the peace in and for said township and county shall in no wise affect his right to practice as an attorney at law in the various courts of Pitt county and the courts of the state, except in such cases as have been appealed from the courts of the justice of the peace over which he presided or took part.

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

Ratified the 6th day of March, A. D. 1899.

#### CHAPTER 523.

**A bill to amend chapter four hundred and thirty-one, public laws of eighteen hundred and ninety-seven, relative to obstructions in the Catawba river.**

*The General Assembly of North Carolina do enact:*

Chapter 431, public laws of 1897, amended.

SECTION 1. That chapter four hundred and thirty-one of the public laws of eighteen hundred and ninety-seven be and the same is hereby amended as follows: First, by striking out in line two the words "David A. Barkley" and inserting in place thereof the words "A. S. McKay"; second, by striking out in lines six

and seven the words "crossing of the Chester and Lenoir Railroad" and inserting in place thereof the words "McDowell county line"; third, by adding after the words "Gaston county" in section first, line fifth, "Auston Conley, of McDowell county," and after the words "state line" in line six of said section "to Old Fort, in McDowell county."

SEC. 2. That J. H. Hoffman, of Burke county, is hereby appointed a juror to represent Burke county, and he shall act with the other jurors and have the same powers and pay as the other jurors.

Juror to represent Burke county appointed.

SEC. 3. That the treasurer of Mecklenburg and Gaston counties be and they are hereby authorized and directed to pay out of the general fund of said counties the sums of money set forth in the vouchers issued by the chairman, D. A. Lowe, designated in section four of said act. Said vouchers are issued for labor done, etc., for removing obstructions in the Catawba river near the Tuskasegee Manufacturing Company. Said vouchers amount to two hundred and twenty-two dollars, and one half of same to be paid by Mecklenburg county, to wit: One hundred and eleven dollars, and the other half by Gaston county. Said vouchers and claims signed by D. A. Lowe, chairman, when so paid by the said treasurers of Mecklenburg and Gaston counties shall be valid vouchers and receipts in the hands of said treasurers for the respective amounts called for in said vouchers signed by D. A. Lowe, chairman.

Certain sums ordered paid.

SEC. 4. That chapter four hundred and thirty-one of the public laws of eighteen hundred and ninety-seven be amended by changing the words "D. A. Low" in each section of said chapter in which it occurs to "D. A. Lowe."

Chapter 431, public laws of 1897, amended.

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 524.

### An act to protect oysters in New Hanover county.

*The General Assembly of North Carolina do enact :*

SECTION 1. It shall be unlawful for any person or persons or corporation to gather or take or remove oysters from any of the waters in New Hanover county to be used in building or repairing any road or walk or for any use or purpose save that of eating or table use or for selling the same for eating or table use.

Gathering oysters other than for table use in New Hanover county unlawful.

SEC. 2. Any person violating any of the provisions of this act

Penalty for violation of section 1.

shall be guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred dollars or more than two hundred and fifty dollars or imprisoned not less than thirty days or more than sixty days at the discretion of the judge.

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

Ratified the 6th day of March, A. D. 1899.

#### CHAPTER 525.

#### An act to establish graded schools in the town of Mount Olive, North Carolina.

*The General Assembly of North Carolina do enact :*

School district established.

SECTION 1. That all the territory embraced within the following bounds shall be and is hereby constituted "the Mount Olive graded school district," commencing at the centre of the Mount Olive and White Hall road, at the Duplin county line, and running with said Duplin and Wayne line westward to the old sawdust pile at the forks of the road at Everitt Lane's corner; thence with said Lane's line to Alex. Sasser's corner; thence with said Sasser's line northeastward to the Mount Olive and Thunder Swamp road; thence with said road to the northwestern line of O. S. King; thence with said King's line to the run of Thunder swamp; thence down said swamp to Mary Harrell's corner; thence with Mary Harrell's and E. J. Martin's line to the Fayetteville road; thence with said road eastward to the Mount Olive and Goldsboro roads; thence a direct line to the corner of D. E. Newall and R. Kornegay; thence with said Newall and Kornegay's line to the run of Still branch; thence down said branch to the Duplin county line; thence with the said Duplin county line to the beginning.

Board of commissioners authorized to order an election on question of tax for schools.

SEC. 2. That the board of commissioners of Wayne county are hereby authorized to submit to the qualified voters of said graded school district within three months after the ratification of this act at an election to be held in the town of Mount Olive, the question whether an annual tax shall be levied for the graded schools of said district.

Form of ballot.

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. The penalty for illegal or fraudulent

voting shall be the same as in the election for members of the general assembly. The board of county commissioners shall give thirty days' notice of the time of holding said election in a newspaper published in the said graded school district.

SEC. 4. That if the inspectors of said election shall certify that a majority of the votes cast are in favor of said tax, the same shall be levied by the board of county commissioners and collected by the sheriff or tax collector under the same rules and regulations under which other school taxes are levied and collected, and the sheriff or tax collector shall be subject to the same liabilities for the collection and disbursement of said taxes as he is or may be for other school taxes, and he shall receive as compensation for such services two per centum commission: *Provided*, that special taxes so levied and collected shall not exceed forty cents on the one hundred dollars' valuation of property and one dollar and twenty cents on each poll. The said sheriff or tax collector shall pay the amount of money so collected under this act to a treasurer elected by the board of trustees of said graded school district, as hereinafter provided for.

Inspectors of election shall certify result.

Sheriff liable.

Proviso.

Limitation to special tax.

SEC. 5. That the special taxes levied and collected under this act shall be expended in keeping up separate graded schools for the white and colored children in said district between the ages of six and twenty one years.

Said special taxes, how expended.

SEC. 6. That the following persons shall constitute the board of trustees of said graded schools and shall hold office for the terms following their names: H. T. Ham and W. E. Stevens, two years from the date of their election; C. B. Price and R. Kornegay, four years from the date of their election; H. G. Williamson and M. McL. Tatum, six years from the date of their election; and all vacancies occurring in said board of trustees from any cause shall be filled by said board of trustees for the term of six years, except in case of death or resignation, and in the event of either of these cases for the unexpired term of trustee so dying or resigning; said board of trustees shall have power to employ and fix the compensation of a superintendent for both or either of said graded schools, and such teachers as are necessary, and to do all such other acts as are necessary to carry on said schools.

Board of trustees appointed.

Term of office.

SEC. 7. That said board of trustees shall elect a treasurer, who shall hold his office for two years, and he shall give a good and sufficient bond in the sum of three thousand dollars, to be approved and accepted by the said board of trustees, and the same shall be filed and recorded as other official bonds.

Election of treasurer.

SEC. 8. That the moneys received as aforesaid shall be held by the treasurer to be disposed of under the direction of said board of trustees, whose warrants signed by the chairman and countersigned by the secretary of said board of trustees shall be the only

Vouchers, how signed.

valid voucher in the hands of said treasurer for the disbursement of the said money in any settlement required of him by law.

Apportionment under general school law, how applied.

SEC. 9. That the public school money which may from time to time be collected and apportioned under the general school law for general school purposes for the children in said district, and moneys to which said school district may be entitled by reason of any special tax, gift, grant, apportionment or otherwise, shall be paid to the treasurer elected by the board of trustees of said school district, and shall be applied to keeping up said graded schools under order and direction of the board of trustees of said graded schools.

Time of school year.

SEC. 10. That the beginning and ending of the school year shall be fixed by the said board of trustees.

Property of school vested in trustees.

SEC. 11. That the property, both real and personal, of the public schools of said school district shall become the property of said graded schools, and shall be vested in said board of trustees and their successors in trust for said graded schools: *Provided*, that in the case of the discontinuance of said graded schools all of the property thereto belonging shall revert to and become the property of the said public schools of said district.

Publication of annual statement.

SEC. 12. That the board of trustees shall publish in a newspaper published in the graded school district an annual itemized statement of the receipts and expenditures of said board of trustees on account and for the said graded schools.

Conflicting laws repealed.

SEC. 13. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 14. That this act shall be in force from and after its ratification.

Ratified the 6th day of March A. D. 1899.

## CHAPTER 526.

An act appointing D. Worthington, Esq., a justice of the peace.

*The General Assembly of North Carolina do enact:*

D. Worthington appointed a justice of the peace for Wilson township  
Term of office.

SECTION 1. That D. Worthington, Esq., for Wilson township and Wilson county, be and he is hereby appointed a justice of the peace for the term of six years; his term of office to begin upon the passage of this act and his acceptance and qualification.

Exempted from provisions of section 27 of The Code.

SEC. 2. That section twenty seven of The Code shall not be applicable to the said D. Worthington, Esq., 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.

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 527.

An act to amend the Mecklenburg road law, and as amended, that the same be the road law for Guilford county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter one hundred and thirty four (134) of the public laws of eighteen hundred and eighty five as amended by chapter seventy four (74) of the public laws of eighteen hundred and eighty nine and as hereinafter amended be and the same shall constitute the road law for Guilford county.

Chapter 134, public laws of 1885, as amended, shall constitute road law of Guilford county.

SEC. 2. That section four of chapter one hundred and thirty four of the laws of eighteen hundred and eighty-five be amended by inserting at the end thereof the following: "*Provided*, that in opening new roads, widening and straightening old roads and repairing the same the county commissioners, through their agents, are hereby authorized to enter upon any land unencumbered by crops and locate and build such roads; and if the county commissioners and the owners of said land can not agree as to the damages, if any, the county commissioners shall within sixty days after said road is completed cause to have summoned five persons, who shall go upon the lands and assess damages and benefits as provided under the general road law of the state: *Provided further*, that before entering upon lands as authorized by this section it shall be the duty of the county commissioners to serve notice upon the owners of said lands, notifying said owners that the road would be located upon such lands under the authority of this act."

Section 4, chapter 134, laws of 1885, amended.

Commissioners may enter land.

Notice shall be served on land owner.

SEC. 3. That section five of said chapter be amended by adding to said section the following: "*Provided further*, that the trustees of the respective townships at their annual meeting may authorize the supervisors of their townships to accept any sum less than two dollars, but not less than one dollar in lieu of the four days labor.

Section 5 amended.

Substitute for labor.

SEC. 4. That section seventeen of said chapter be amended by striking out after the word "than" in the fourth line thereof the words "seven tenths of a mill" and inserting in lieu thereof the words "five cents," and by striking out after the word "than" in line five thereof the words "two mills on the dollar" and inserting in lieu thereof the words "fifteen cents on the hundred dollars valuation," and by striking out after the word "exceeding" in line fourteen thereof the words "one mill on the dollar" and inserting in lieu thereof the words "fifteen cents on the hundred dollars valuation," and by adding to said section the following words: "*Provided*, that a poll tax on all persons liable un-

Section 17 amended.

der the general laws be also assessed, preserving at all times the constitutional equation as to property and poll tax."

Section 18  
amended.

SEC. 5. That section eighteen of said chapter be amended by striking out all after the word "assessed" in line seven thereof.

Section 19  
stricken out.

SEC. 6. That section nineteen thereof be stricken out and that the following be inserted therefor: "The taxes so collected shall be paid out by the county commissioners for building stockades, maintaining convicts, purchasing tools, machinery, stock, building bridges and in any way for the good of the public roads of the county: *Provided*, that if a special tax is levied upon the certificate of the trustees of any township said tax is to be applied wholly to building and repairing the roads and highways within that township: *Provided further*, that nothing contained herein shall be so construed as to prevent the county commissioners of Guilford county from working the convict force upon any public road in any township in the county at such times, in such manner and in such way as they may consider most advisable, and defraying the expenses of such convict labor out of any general funds that may come into their hands or from funds raised according to the provisions of law for road purposes."

Taxes so collect-  
ed, how applied.

Proviso.

Section 20  
amended.

SEC. 7. That section twenty of said chapter be amended by striking out all of said section after the word "act" in line three thereof down to and including the word "certificate" in line eight thereof.

Section 24  
amended.

SEC. 8. That section twenty four of said chapter be amended by striking out the word "ten" in line six thereof and inserting in lieu thereof the word "six," and by striking out the word "twenty" in line seven thereof and inserting in lieu thereof the word "ten," and by striking out the words "county treasury" at the end thereof and inserting in lieu the words "township funds."

Section 25  
amended.

SEC. 9. That section twenty five of said chapter be amended by striking out the words "or pay tax" in line six thereof, the words "or pay their road tax" in line ten thereof and the words "or tax" in line thirteen thereof.

Section 32  
amended.

SEC. 10. That section thirty-two of said chapter be amended by striking out the words "secretary of state" in line one thereof and inserting in lieu thereof the words "county commissioners," and by striking out the words "the chairman of county commissioners" in lines one and two, and by striking out the words "of the proper counties" in line four thereof.

Certain sections  
adopted as part  
of law.

SEC. 11. That sections two, three, four, five and six of chapter one hundred and thirty eight of the laws of eighteen hundred and ninety seven be and the same are hereby adopted as a part of this act, and that said sections shall be sections thirty-three, thirty-four, thirty five, thirty-six and thirty-seven hereof.

SEC. 12. This act shall only apply to the county of Guilford.

SEC. 13. All laws or parts of laws in conflict with this act are hereby repealed.

SEC. 14. This act shall be in force from and after its ratification.

Ratified the 6th day of March, A. D. 1899.

Applicable only to Guilford county.  
Conflicting laws repealed.

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CHAPTER 528.

An act to amend section one, chapter fifty-nine (59) of the public laws of eighteen hundred and eighty-three (1883).

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one, chapter fifty-nine (59), public laws of eighteen hundred and eighty-three (1883), be and the same is hereby amended by adding at the end of the said section one of the said act after the word "counties" the words: "*Provided further*, that the commissioners of Beaufort county shall keep nailed up in some conspicuous place at each end of said bridges a large sign-board painted thereon the words: Walk your horse on this bridge. Should the said board of commissioners remove said sign-board or fail to keep up said sign-board as is herein provided for, then the said act shall be of no force and effect until the said sign boards shall be replaced."

Section 1, chapter 59, public laws of 1883, amended.

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

Ratified the 6th day of March, A. D. 1899.

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CHAPTER 529.

An act for the relief of D. A. Blue, tax collector for the town of Southern Pines.

*The General Assembly of North Carolina do enact:*

SECTION 1. That D. A. Blue, tax collector of Southern Pines, be and is hereby authorized to collect the arrears of taxes unpaid in said town for the year eighteen hundred and ninety-seven under such rules and regulations as are furnished by law for the collection of taxes.

Tax collector of Southern Pines authorized to collect certain arrears.

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

Ratified the 6th day of March, A. D. 1899.

CHAPTER 530.

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

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter four hundred and eleven, laws of eighteen hundred and ninety-five, relating to the bonds of the register of deeds of Pamlico county, is hereby repealed.

Bond of register of deeds.

SEC. 2. That it shall be the duty of the board of county commissioners to require the register of deeds to file the usual bond of five thousand dollars as required by section three thousand six hundred and forty-eight, volume two of The Code of North Carolina.

Register of deeds may be required to renew bond.

SEC. 3. That it shall be the duty of the board of county commissioners to require the present incumbent in the office of register of deeds to renew his bond in the sum of five thousand dollars within thirty days after the passage of this act, and on his failure to do so to declare the said office vacant.

SEC. 4. This [act] shall be in effect from and after its ratification. Ratified the 6th day of March, A. D. 1899.

CHAPTER 531.

An act to amend section two thousand one hundred and twenty-two of The Code, relating to widows' allowance.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section two thousand one hundred and twenty-two of The Code be and is hereby amended by adding at the end of said section the words: *Provided further*, that where the widow and personal effects of the deceased husband shall have been removed from the township or county where deceased husband resided before his death, the said widow may apply to any justice of the peace of any township or county where such personal property is located; and it shall be the duty of such justice to allot and assign the year's allowance as if the husband had resided and died in that township.

When widow has removed from county where deceased husband resided, application for dower.

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 532.

## An act to provide for a finance committee for Mitchell county, and for other purposes.

*The General Assembly of North Carolina do enact:*

SECTION 1. That J. H. Greene, C. C. Cronnin and Isaac H. Bailey be and are hereby appointed a finance committee for Mitchell county, with full power and authority now vested in a finance committee by chapter eighteen of The Code.

Finance committee for Mitchell county.

SEC. 2. That this committee shall have full power and authority to send for persons and papers, administer oaths, examine witnesses and punish for contempt and issue subpoenas.

Power of committee.

SEC. 3. That said finance committee are further empowered and directed, whenever requested to do so by five freeholders of the county, to inquire into, investigate and ascertain whether or not any person now holding office or who has held office in Mitchell county within the last six (6) years has charged and received any sum of money not allowed by law, or has charged, collected or received any fees for which the county was not liable, and to examine and inquire if any officer has collected any taxes in said county for which he has not properly accounted, or has failed to account for any fines and forfeitures to him paid, and to make a detailed statement of their findings and conclusions as soon as practicable, and cause said statement to be published at the court-house door in Mitchell county.

May appoint committee of investigation.

Statement shall be published.

SEC. 4. That if it be found upon investigation that any such officer has received unlawfully any money of the county or fees for which the county was not liable, or has failed to account for all taxes collected or to pay over and account for all fines and forfeitures received, then it shall be the imperative duty of said finance committee to forthwith bring suit against such officer or his official bond to recover back whatever amount he may have so received, and for that purpose they are hereby authorized and empowered to sue in the name of the finance committee of Mitchell county for the use and benefit of Mitchell county.

Suit may be instituted if certain facts are found.

SEC. 5. That the powers granted and duties required by this act may be exercised by a majority of said finance committee, and should a vacancy occur on said board the same shall be filled by the other members of the committee.

Majority of finance committee may exercise powers granted.

SEC. 6. That any person or persons who have been duly subpoenaed to appear and testify before said finance committee, who shall willfully fail and refuse to appear or shall refuse to answer any questions authorized to be asked by virtue of this act, shall be guilty of contempt, and said finance committee shall have the power to punish as for contempt.

Persons failing to appear when summoned guilty of contempt.

No officer excused to answer questions.

SEC. 7. That no officer shall be excused to answer any questions because that his answer might tend to criminate him, and his answer shall not be used in any criminal indictment against him.

Finance committee shall take oath.

SEC. 8. That before entering upon their duties as a finance committee the persons herein named shall take an oath before some one authorized to administer oaths to faithfully discharge the duties imposed on them by this act.

May employ counsel.

SEC. 9. That said finance committee may employ counsel to advise them and to assist them in any investigation that may be made, and to conduct any suit that may be instituted by them, and shall allow such reasonable compensation as they may deem just and proper.

Shall make report under oath.

SEC. 10. That said finance committee shall report under oath the number of days they have been engaged in the discharge of their official duties to the board of commissioners of Mitchell county, and shall be allowed for their services reasonable compensation by said board of county commissioners, not less than two dollars a day.

SEC. 11. That this act shall be in force from and after its ratification.

Ratified the 6th day of March, A. D. 1899.

#### CHAPTER 533.

An act to authorize the commissioners of Montgomery county to use a part of special tax money to build a bridge across Clark's creek on Turnpike road two miles north of Mount Gilead.

*The General Assembly of North Carolina do enact:*

Commissioners of Montgomery county empowered to apply certain money for construction of bridge.

SECTION 1. That the county commissioners of Montgomery county are hereby authorized and empowered to use of the money now in the hands of the treasurer of said county collected from special tax to build a bridge across Clark's creek, on the Turnpike road two miles north of Mount Gilead, not to exceed the sum of five hundred dollars.

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 534.

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

*The General Assembly of North Carolina do enact :*

SECTION 1. That the board of commissioners of Gaston county be and they are hereby authorized and empowered to levy a special tax of ten (10) cents on the one hundred dollars valuation of real and personal property in said county and thirty (30) cents on each poll for the year eighteen hundred and ninety-nine (1899) to be expended and applied for the purposes 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.

Commissioners of Gaston county authorized to levy special tax for payment of county indebtedness.

SEC. 2. That said special tax shall be levied and collected and accounted for in the same manner as are other taxes in said county.

How levied and collected.

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 535.

An act to authorize the commissioners of Halifax county to issue bonds to pay the indebtedness of said county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the board of commissioners of Halifax county hereby are authorized to issue coupon bonds of said county to pay the indebtedness thereof in an amount not to exceed fifteen thousand dollars in denominations of not less than one hundred dollars nor more than five hundred, the number of said bonds to be at the discretion of the said board.

Commissioners of Halifax county authorized to issue bonds.

SEC. 2. That said bonds shall bear interest at a rate not to exceed six per centum per annum, and the coupons attached thereto shall call for the payment of the interest thereon on the first days of January and July of each year.

Rate of interest.

SEC. 3. Said bonds shall be signed by the chairman of the board of county commissioners and countersigned by their clerk, and shall be payable as to the principal in not more than twelve years from the date thereof, as shall be determined by said board of commissioners: *Provided*, said bonds may be issued so as to mature at different times, so that as near an equal amount of the principal may be paid in each year as is practicable, and each

Bonds, how signed.

When payable.

Proviso.

Maturity of bonds.

bond issued for a longer time than five years shall have written across its face, "This bond is redeemable after five years at the option of the county."

Record of said bonds shall be kept by clerk.

SEC. 4. That the clerk of the board of commissioners shall keep a book in which he shall keep an account of numbers and denominations of said bonds, when each is payable and to whom payable. Said clerk shall also keep an accurate account of the bonds and coupons attached thereto which shall be paid or cancelled, so that by inspection of said book the true statement of the bonded debt of the county herein provided for may be readily ascertained; said book shall be open to the taxpayers of said county at all times.

Coupons payable for taxes.

SEC. 5. Said coupons shall be receivable in payment of all county taxes.

SEC. 6. That said bonds shall not be disposed of for less than their par value.

Special tax may be levied to pay interest and principal.

SEC. 7. That said commissioners in every year in which they may deem it necessary in order to provide for the payment of said bonds and coupons are hereby authorized and empowered to levy a special tax of not more than five cents on the hundred dollars worth of property and fifteen cents on the poll, observing the constitutional equation in the levy thereof.

Bonds shall be deposited with county treasurer.

SEC. 8. That as soon as said bonds are issued, signed and countersigned as hereinbefore provided, the said commissioners shall place the same in the hands of the county treasurer, who shall also countersign the same, and the said treasurer shall thereupon, under the direction of said county commissioners, sell and dispose of the same as hereinbefore provided, making out and returning to the said commissioners an accurate account of the number and denomination of the said bonds and to whom sold; and thereupon the said treasurer shall receive all the proceeds of the sale of said bonds, hold the same subject to the order and direction of said board of commissioners and be responsible for the safe custody and keeping of said proceeds, as by law is now provided in case of other funds coming into his hands by virtue of his office.

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

Ratified the 6th day of March, A. D. 1899.

#### CHAPTER 536.

An act to prohibit the sale of intoxicating liquors in Jackson township, Northampton county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful to issue license for the sale of spirituous, vinous, malt or other intoxicating liquors in

Jackson township, Northampton county, and the sale of any such intoxicating liquors in said township is hereby prohibited.

SEC. 2. That this act shall not apply to the "Jackson dispensary" or to persons now having license to sell such liquors until the expiration of said license.

SEC. 3. That any violation of this act shall be a misdemeanor.

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

Ratified the 6th day of March, A. D. 1899.

Unlawful to issue license for sale of liquors in Jackson township, Northampton county. Not applicable to Jackson dispensary. Violation of this act a misdemeanor.

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### CHAPTER 537.

#### An act for the relief of Mary E. Rouse, of Columbus county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the treasurer of Columbus county be and he is hereby authorized and directed to pay Mary E. Rouse the sum of thirty-three (\$33) dollars out of the public school funds due district number nine of said county, balance due her as teacher in said district during the school year ending June thirtieth, eighteen hundred and ninety-nine.

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

Ratified the 6th day of March, A. D. 1899.

Treasurer of Columbus county directed to pay certain school claim.

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### CHAPTER 538.

#### An act to amend chapter three hundred and eighty of the public laws of eighteen hundred and eighty-seven.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section three of chapter three hundred and eighty of the public laws of eighteen hundred and eighty seven be and the same is hereby amended by adding at the end of said section the following proviso, to-wit: *Provided*, that when the declared nuisance shall consist of maintaining a mill dam or a mill pond, the effect of which shall or may be deleterious to the waters of said Walnut creek or its tributaries, and the said dam or pond is kept and used for operating a grist mill or sawmill or other similar enterprise, and was so kept and used prior to the time the Raleigh Water Works Company or the city of Raleigh began to use water from said Walnut creek for public and domes-

Section 3, chapter 370, public laws of 1887, amended.

Proviso.

Dams may be removed from streams.

tic purposes, then the said company or the said city, or the superintendent of health of said city or of the county of Wake, at the request of said company or said city shall have the authority and power to immediately remove or destroy said dam or pond or open the same, so that the waters of said creek or its tributaries may have its natural flow: *Provided further*, that the owner of said dam or pond shall be paid by said company or by said city the amount of the damages he may have sustained by such removal, destruction or opening, and shall have the right, if said damages are not paid voluntarily by said company or said city, to recover the amount thereof from said company or said city, at whose instance the dam or pond shall have been removed, destroyed or opened, by an action instituted in the superior court of Wake county.

Proviso.

Owner of dam or pond shall be paid damages.

Neither company nor city shall plead in bar of right of recovery, etc.

SEC. 2. That neither the said company nor said city shall be allowed to plead in bar of the right of recovery provided for in section one above the provisions of said chapter three hundred and eighty of the public laws of eighteen hundred and eighty-seven or the provisions of section twenty-two of chapter two hundred and fourteen of the public laws of eighteen hundred and ninety-three; but if the owner of any dam or pond named in section one above shall by fraud or otherwise prevent, hinder or delay the removal, destruction or opening of such dam or pond, then he shall not be entitled to recover the damages provided for in said section one.

To whom provisions of this act applicable.

SEC. 3. That the provisions of this act shall apply to the owner of any dam or pond named in section one above and not yet destroyed, removed or opened, whether such dam or pond has been or may hereafter be declared a nuisance, and no such owner shall be subject to prosecution, conviction or punishment for failure to personally remove or destroy or open such dam or pond or to personally abate the nuisance caused thereby.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws 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 6th day of March, A. D. 1899.

#### CHAPTER 539.

An act supplemental to an act entitled "An act to establish a bureau of labor and printing," ratified the third day of March, eighteen hundred and ninety-nine.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section two of an act ratified the third day of March, eighteen hundred and ninety-nine, entitled "An act to

establish a bureau of labor and printing." be and the same is hereby amended by inserting after the word "assistant" where it first appears in said section the words "who shall be appointed by said commissioner and."

Relative to appointment of assistant commissioner of labor and printing.

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

Ratified the 6th day of March, A. D. 1899.

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#### CHAPTER 540.

An act to amend section two thousand two hundred and twenty-seven, and section two thousand two hundred and twenty-eight of The Code.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section two thousand two hundred and twenty-seven and section two thousand two hundred and twenty-eight of The Code be so amended as to increase the number of the members of the board of trustees of the North Carolina Institution for the Education of the Deaf and Dumb and the Blind; and that William Boylan, Pulaski Cowper, B. K. Partin and G. M. Bell be and the same are hereby appointed additional members of the said board of trustees, and their terms of office shall be for six years from March first, eighteen hundred and ninety nine: *Provided*, that the provisions of chapter five hundred and forty-three, public laws of North Carolina for the year eighteen hundred and ninety-seven shall not apply to the members of the said board of trustees.

Sections 2227 and 2228 of The Code amended.

Relating to trustees holding pecuniary interest in certain institutions. Shall not apply to above-named trustees.

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

Ratified the 6th day of March, A. D. 1899.

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#### CHAPTER 541.

An act to amend sections eighteen hundred and fifteen and eighteen hundred and eighteen of The Code, relating to the form and record of marriage license.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section one thousand eight hundred and fifteen of The Code be and the same is hereby amended by striking out in the form prescribed for marriage license the word "color" whenever the same occurs therein and inserting in lieu thereof the word "race."

Section 1815 of The Code amended.

Register of deeds shall designate in license, race of person married.

SEC. 2. That said section be further amended by adding at the end thereof the following: That every register of deeds shall designate in every marriage license issued the race of the persons proposing to marry by inserting in the blank after the word "race" the words "white," "colored" or "Indian" as the case may be.

Section 1818 amended.

SEC. 3. That section one thousand eight hundred and eighteen of The Code be and the same is hereby amended as follows: By inserting in line nine (9) from the bottom of said section between the words "his" and "color" the words "race and," and in line seven (7) from the bottom of said section between the words "her" and "color" the words "race and."

Applicable only to Robeson county.

SEC. 4. This act shall apply only to Robeson county.  
Ratified the 6th day of March, A. D. 1899.

#### CHAPTER 542.

An act to protect cattle from splenic fever and other diseases, in certain parts of this state.

*The General Assembly of North Carolina do enact :*

Persons driving live stock from certain places into this state may be sued.

SECTION 1. That if any person shall transport, drive or cause to be driven or allow to stray any live stock from any place in this state or from South Carolina into this state west of the following line: Beginning at the northwest corner of the county of Cherokee; thence along the southern boundary of the counties of Cherokee, Clay, Macon, Jackson and Transylvania to the southeast corner of the county [of] Transylvania; thence northwesterly along the eastern boundary of Transylvania county to the southwest corner of the county of Buncombe to the summit of the Blue Ridge mountains; thence in a northeasterly direction following the top of said mountains to their intersection with the northern boundary line of the state of North Carolina, knowing said live stock or cattle to be afflicted with a contagious or infectious disease or fever ticks (*Boophilus bovis*) or other injurious pests, he shall be liable to an action for damage for every offense, to be prosecuted by any person who may sue for same.

Persons driving from east to west of said line guilty of a misdemeanor.

SEC. 2. That any person or persons who drive or cause to be driven or transport any cattle, live cattle, from the east of said line set out in section one of this act to any part of this state on the west of said line, whether such cattle are diseased or not, or whether such person or persons know them diseased or not, at any period of the year between the fifteenth day of February and the fifteenth day of November in each and every year, shall for each

offense be guilty of a misdemeanor and punished by fine and imprisonment at the discretion of the court.

SEC. 3. That sections two thousand three hundred and twenty-two, two thousand three hundred and twenty-three and two thousand three hundred and twenty-four of The Code of eighteen hundred and eighty-three of North Carolina and all other laws in conflict with this act be and the same are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this act shall be in force from and after April first eighteen hundred and ninety-nine.

When effective.

Ratified the 6th day of March, A. D. 1899.

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#### CHAPTER 543.

An act to repeal chapter four hundred and twenty-seven of the laws of eighteen hundred and ninety-seven, and chapter five hundred of the laws of eighteen hundred and ninety-seven, providing for the working of the public roads of Wilson county.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter four hundred and twenty-seven and chapter five hundred of the laws of eighteen hundred and ninety-seven, providing for working the public roads of Wilson county, be and the same are hereby repealed.

Chapters 427 and 500 laws of 1897, repealed.

SEC. 2. That the taxes levied and collected for the year eighteen hundred and ninety-eight be used by the commissioners of Wilson county for the purpose of working and repairing the public roads and bridges of said county.

Taxes, how applied.

SEC. 3. That no person in said county shall be required to work on the public roads of said county until after the first day of June, eighteen hundred and ninety-nine.

When persons required to work on public roads.

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

Ratified the 6th day of March, A. D. 1899.

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#### CHAPTER 544.

An act to establish a new township in Surry county.

*The General Assembly of North Carolina do enact:*

SECTION 1. That a new township from the western part of Pilot township be and the same is hereby formed in the county of Surry.

New township created.

SEC. 2. The boundaries of the said township to be as follows: Beginning at the mouth of Thomas creek, where the said creek empties into the Ararat river and runs up said creek to the

Boundaries of said township.

mouth of Varnel's creek, near Dodson's mill; then up the said Varnel's creek to the fork near the widow Simmons; then with east prong to its head, near Sabastian Fapiana's house; then in a direct line to the old stock law gate, on the Danbury road in Westfield township line; then starting west and following the old Pilot township line as it meanders to the beginning.

Voting precinct. SEC. 3. That the territory within the said boundary line of section second of this act shall be called Long Hill township; that the voting precinct of said township shall be at Milard Needham's on the old Hollow road.

Territory in Pilot township, voting precinct. SEC. 4. That all the territory of the old original Pilot township not embraced in the boundary line of section second of this act shall be called Pilot township; that the voting precinct of said township shall be at Pilotmountain.

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

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

Ratified the 6th day of March, A. D. 1899.

#### CHAPTER 545.

An act supplemental to an act to prohibit hunting in Halifax county, except by written consent of the land owner.

*The General Assembly of North Carolina do enact:*

Act prohibiting hunting in Halifax county without written consent of owner, applicable only to Brinkleyville township. SECTION 1. That the act passed at this session of the general assembly, entitled "An act to prohibit hunting in Halifax county except by the written consent of the land owner," ratified the tenth day of February, eighteen hundred and ninety nine, be amended by adding after the last section thereof the following:

"That this act shall apply to Brinkleyville township only."

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

Ratified the 6th day of March, A. D. 1899.

#### CHAPTER 546.

An act to improve the public roads of Coddle Creek township, in Iredell county.

*The General Assembly of North Carolina do enact:*

Election of board of road commissioners for Mooresville. SECTION 1. The justices of the peace for Coddle Creek township in Iredell county are hereby authorized and directed to meet on the first Saturday of April, eighteen hundred and ninety-nine, in the town of Mooresville, North Carolina, and then and there

to elect three citizens of the township as a board of road commissioners for said township to hold for the term of two years from the date of election, and on the first Saturday of April every two years thereafter the justices of the peace shall elect a board of road commissioners.

SEC. 2. The board of road commissioners for Coddle Creek township, in Iredell county, shall be and are hereby created a body politic and corporate, and may acquire, hold and convey personal property, sue and be sued, plead and be impleaded in any of the courts of the state and have a continued succession.

Board of road commissioners for Coddle Creek township created. Body corporate.

SEC. 3. The board of road commissioners shall on the first Saturday of August, eighteen hundred and ninety-nine, elect a road supervisor for the township, to serve two years from the date of his election. They shall prescribe his compensation and take

Election of road supervisor.

bond and security from said road supervisor sufficient to protect all property of the township that may come under his care. They shall have power to remove said supervisor for any cause which may seem to them to require it. In case of such a removal they shall immediately elect a successor to serve the remainder of the term.

Term of office.

Compensation.

SEC. 4. The road supervisor shall be charged with the work of constructing, repairing and maintaining the public roads, not including county bridges in Coddle Creek township; and shall employ all necessary labor and purchase material, machinery and tools for this work under the direction and upon the approval of the board of road commissioners. The board of road commissioners shall issue order for payment of money upon the county treasurer only upon itemized statement approved by them and filed with the county treasurer.

Duties of supervisor.

Commissioners shall issue orders upon treasurer only on itemized statements.

SEC. 5. The board of road commissioners shall have power to lay off new roads, to change location of roads and to do all things necessary to secure good roads for the township. If in laying off roads or changing location there is complaint of damage on the part of property owner, the said owner must make claim upon the board of road commissioners within sixty days from the time his property is entered upon. If this is not approved by them and they can not satisfy the property owner the board will select one arbitrator, the owner another and these shall determine the damage, if any; but if these fail to agree they shall select a third as umpire, and these three will determine the damage if any.

Commissioners empowered to lay off and change roads.

Complaint of damages.

Arbitrator of damages.

SEC. 6. The road supervisor shall have authority to use timber, stone, gravel and earth from the land contiguous to any road for its repair or improvement: *Provided*, such material shall not be taken from cultivated groves or fields.

Material to be used by supervisor.

SEC. 7. The justices of the peace may at their meeting on the first Saturday of April, eighteen hundred and ninety-nine, and

Rate of tax, agreement upon.

every two years thereafter, agree upon a rate of tax to be collected from all property and polls in the township, and recommend the same to the county commissioners, who shall order the same to be collected as county and state taxes are collected by the sheriff of the county. The rate of tax for all road purposes shall not be more than twelve cents on the hundred dollars worth of property nor more than thirty-six cents on the poll. The funds arising from this tax shall be disbursed by the county treasurer upon the order of the board of road commissioners.

Maximum tax.

Persons liable to road duty.

SEC. 8. All able-bodied male persons of the township, except residents of incorporated towns, between the ages of eighteen and forty-five years shall work on the public roads for four days in each and every year at such time and place and in such manner as may be directed by the road supervisor. The road supervisor or the road overseers under his direction shall give to such person subject to road duty at least three days' notice by personal warning or by written notice left at the home or residence of each person, specifying the time and place, when and where such work is to be performed, and also the tools or implements with which such person shall be required to work: *Provided*, in case of any unexpected obstruction to travel the three days' notice shall not be necessary, and any person liable to road duty shall under such circumstances, upon being summoned by the road supervisor, respond to such summons with reasonable promptness: *Provided further*, that any person may in lieu of working four days on the roads pay on or before the first day of July, eighteen hundred and ninety-nine, and on or before the first day of April of each year thereafter, to the road supervisor the sum of two dollars; and it shall be the duty of said supervisor upon receipt of said money to issue to such person a receipt for the same, stating the amount and the year for which it is paid. All such moneys paid to the road supervisor shall within fifteen days be turned over by him to the county treasurer and by him credited to the road fund for Coddle Creek township.

Persons subject to road duty shall be given notice.

Proviso.

When notice is unnecessary.

Proviso.

Payment of money in lieu of working roads.

Moneys so paid, how applied.

Persons liable and failing to work road, guilty of a misdemeanor.

SEC. 9. Any person liable to road duty who upon being notified as provided in section eight shall fail to appear and work as required to do, or shall fail to pay the sum of two dollars, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two dollars nor more than five dollars, or sentenced to work upon the public roads of the county not less than ten nor more than twenty days.

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 547.

## An act to establish graded schools in the city of Newbern.

*The General Assembly of North Carolina do enact:*

SECTION 1. The mayor and aldermen of the city of Newbern are hereby authorized and required to submit to the qualified voters of said city at the next regular election of aldermen and under the rules and regulations governing said election, whether an annual tax shall be levied therein for the support of two or more graded schools in said city for both races. That such qualified voters at such election are authorized to vote on either printed or written ballots the words "For schools" and "Against schools," and the penalties for illegal and fraudulent voting in this election shall be the same as in the election for aldermen in said city of Newbern.

Question of special tax for schools ordered submitted to voters.

Form of ballot.

SEC. 2. In case of a majority of the qualified voters at such election shall vote "For schools" a tax shall be levied and collected by the authorities upon all property and polls in said city, under the same rules and regulations by which other taxes are levied and collected, and the tax collector shall be subject to the same liabilities for collection and disbursement as he is or may be for city taxes: *Provided*, the special taxes so levied and collected shall not exceed one-eighth of one per centum on the value of property and thirty-seven and one half cents on the poll, and that the taxes thus levied and collected shall be applied exclusively for the support of two or more "graded public schools" and shall not be appropriated or expended for any other purpose.

Levy and collection of said tax

Liabilities for collection of tax collector.  
Proviso.

Limitation to special levy.

SEC. 3. That the board of trustees of the Newbern Academy be and are hereby constituted the board of trustees for the said graded schools. That said board shall have power to fill all vacancies occurring in said board, to employ teachers and to do all such acts as may be necessary to carry on said graded schools for both races.

Board of trustees.

Powers of board.

SEC. 4. That the money arising from the special taxes herein provided for, collected from the property and polls, shall as soon as collected be paid over to such person or persons as the board of trustees aforesaid shall appoint and that the public school money which shall from time to time be collected under the general law for public school purposes applicable for the children in said city of Newbern shall be paid over to said board of trustees by the treasurer of Craven county as soon as appointed, and shall be applied for keeping up the said public graded schools.

Money arising from said source, to whom paid.

SEC. 5. That the superintendent and teachers of the schools in

Compensation of teachers.

this act provided for may be paid such compensation as may be deemed just and proper.

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 548.

### An act to refund the bonded indebtedness of Person county.

*The General Assembly of North Carolina do enact :*

Commissioners of Person county empowered to call in certain bonds.

SECTION 1. That the commissioners of Person county are hereby authorized and empowered to call in and redeem as soon as the same can be legally done the bonds issued in pursuance of chapter two hundred and eighty of the laws of eighteen hundred and ninety one, entitled "An act to authorize the commissioners of Person county to issue bonds to pay the indebtedness of the county" at par value with accrued interest and to refund the said indebtedness witnessed by said bonds by issuing bonds of the said county to run from thirty to fifty years, at the discretion of said commissioners, and to bear interest at the rate of not exceeding six per centum per annum and of the denominations of two hundred and five hundred dollars respectively, at the discretion of the board of commissioners. The bonds shall have coupons attached representing the interest on said bonds, to fall due in semi-annual installments on the first days of January and July of each year. Said bonds and coupons shall be due and payable at the office of the treasurer of Person county.

New issuance of bonds.  
Maturity of said bonds.  
Interest.

SEC. 2. That said bonds when issued shall be signed by the chairman of said board of commissioners and countersigned by the clerk of the superior court of Person county and attested by his official seal, and said board of commissioners shall not sell or dispose of said bonds for less than their par value.

Bonds when issued, how signed.

SEC. 3. That the commissioners shall provide a record, which shall be kept by the clerk of the superior clerk [court] and a copy by the treasurer of the county, in which shall be entered the name of the purchaser of each bond and the number and amount of the same. They shall also cause to be kept a record of the bonds and coupons redeemed annually, and the bonds and coupons when redeemed and their redemption recorded shall be destroyed by fire in the presence of the board of commissioners by their clerk and under their discretion and the treasurer and sheriff each shall be notified of such redemption and shall keep

Record shall be kept of said bonds.

a record of the number, date and amount of the bonds and coupons so destroyed.

SEC. 4. That the commissioners may at any time after ten years from the date of said bonds purchase said bonds or any part thereof at par value with accrued interest, and upon an offer to purchase made either personally or by advertisement for thirty days in some newspaper published in Person county to any holder of any such bonds, the same shall not bear interest after such notice and the substance of this condition shall be stated on the face of said bonds.

Commissioners may purchase said bonds after ten years.

SEC. 5. That in order to pay the principal and interest of said bonds as the same falls due the commissioners of said county may levy and cause to be collected annually as other county taxes are levied and collected a tax upon all real and personal property of every kind and description subject to taxation for general purposes, and upon all polls a tax not exceeding ten cents on the hundred dollars worth of property and thirty cents on the poll, at all times preserving the constitutional equation.

Commissioners may levy and collect special annual tax to pay off interest and principal.

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

Ratified the 6th day of March, A. D. 1899.

CHAPTER 549.

An act to prevent the manufacture and sale of any spirituous, vinous or malt liquors within the county of Jackson.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person, persons, firm or corporation to manufacture, sell or otherwise dispose of for gain any spirituous, vinous [or] malt liquors or intoxicating bitters within the county of Jackson: *Provided*, this act shall not be construed to forbid the sale of such spirituous, vinous or malt liquors by a druggist for sickness upon the written prescription of a regular practicing physician having such sick person under his charge.

Manufacture or sale of liquor in Jackson county unlawful.

Proviso.

Druggists' exempted.

SEC. 2. That the place of delivery of any spirituous, vinous or malt liquors or intoxicating bitters within the county of Jackson shall be so construed as to mean the place of sale and that any station or other place within the aforesaid county of Jackson to which any person, firm or corporation shall ship or convey any spirituous, vinous or malt liquors or other intoxicating bitters for the purpose of delivery or carrying the same to a purchaser shall be construed to be the place of sale: *Provided*, this section

Place of sale construed.

Proviso.

shall not be construed to prevent the delivery of any spirituous, vinous or malt liquors to a druggist in a sufficient quantity for medical purposes only.

Duplication of prescriptions by druggist.

SEC. 3. That any druggist who shall duplicate the prescription mentioned in section one of this act without the written direction of the physician who gave the same shall be guilty of retailing within the meaning of this act.

Violation of this act a misdemeanor

SEC. 4. That any person, firm or corporation violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned for each and every offense, or both, in the discretion of the court.

Physicians making prescriptions except in case of sickness.

SEC. 5. That any physician who shall make any prescription except in case of sickness for the purpose of aiding and abetting any person or persons who are not bona fide under his charge to purchase any intoxicating liquors contrary to the provisions of this act shall be deemed guilty of a misdemeanor and fined in the discretion of the court.

Conflicting laws repealed.

SEC. 6. That all laws and clauses of laws in conflict with this act are hereby repealed.

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

Ratified the 6th day of March, A. D. 1899.

#### CHAPTER 550.

An act to prevent the obstructing of Harris creek in Jacksonville township in the county of Onslow.

*The General Assembly of North Carolina do enact :*

Obstruction of certain waters in Onslow county a misdemeanor.

SECTION 1. That it shall be unlawful for any person to obstruct the waters of Harris creek in Jacksonville township in the county of Onslow by felling trees or by any other means whatever.

Penalty.

SEC. 2. That any person so obstructing the waters of said creek and permitting the same to remain for the space of five days shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than fifty dollars or imprisoned not more than thirty days.

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 551.

## An act in reference to local option.

*The General Assembly of North Carolina do enact :*

SECTION 1. It shall be the duty of the board of commissioners of one county upon petition of one third of the number of votes cast at the preceding general election (said petitioners being registered voters) of any county, city, town or township in their respective counties to order an election to be held in August to ascertain whether or not intoxicating liquors may be sold in said county, city, town or township: *Provided*, that hereafter such elections shall not be held oftener than once in two years in any one county, city, town or township, nor shall such election be held in the year during which a general election is held: *Provided further*, only one election can be held in any county in said month of August.

On petition of one third of votes commissioners shall order election on local option. Elections held in August.

Proviso.

Said elections shall not be held oftener than biennially.

SEC. 2. That all laws and parts of laws in conflict with the foregoing section are hereby repealed: *Provided*, that nothing in this act shall be construed to permit the sale of intoxicating liquors in any county, municipality or locality where there is already prohibition, or to permit the holding of such election in any county, city, town, township or locality where the sale of intoxicating liquors is now prohibited by any special act of the legislature: *Provided*, that nothing in this act shall apply to the counties of Brunswick, Cleveland, Martin, Gaston, Washington, Davie, Mitchell, Jones, Anson, Beaufort, Transylvania, Camden, Polk, Haywood, Mecklenburg, Cherokee, Clay, Jackson, Wayne, Pender, Alexander, Montgomery, Hertford, Lincoln, Craven, Henderson, Gates, Madison, Stokes, Davidson, Cubarrus, Randolph, Surry, Buncombe, Perquimans, Graham, Macon, Swain, Johnston, Duplin, Catawba, Wilkes, nor to the town of La-Grange, Lenoir county: *Provided further*, that no election on prohibition shall be held in Person county until after January, nineteen hundred and one.

Conflicting laws repealed.

Proviso.

Not applicable to certain counties.

Proviso.

Person county excepted.

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 552.

## An act for the relief of the principals of the Henderson public schools.

WHEREAS, it has been represented that the principal of the public school for white children and the principal of the public school for colored children in the town of Henderson were duly

Preamble.

appointed to such positions for the fall and winter term of eighteen hundred and ninety eight [and] eighteen hundred and ninety-nine by the school committee of Henderson township, Vance county, and thereafter a majority of the committee fixed their salaries at forty dollars per month, pursuant to which the said principals of said schools accepted such appointment and entered upon the discharge of their duties; and

Preamble continued.

WHEREAS, it is alleged that the meeting or meetings of the school committee which fixed such salaries were informal and their action invalid for lack of notice to one or more of its members (though all were informed of the action and agreed thereto) after which the county board of education of Vance county made an order fixing salaries of teachers holding first grade certificates at thirty dollars per month and forbidding the payment of any larger sum, by reason of which the said principals of said schools are denied payment of such salaries as were agreed to be paid them.

*The General Assembly of North Carolina do enact:*

Principals of Henderson township schools entitled to certain compensation.

SECTION 1. That upon the foregoing facts being made to appear to the school committee of Henderson township or their successors in the control of said schools, by whatever name designated, the said principals shall be entitled to payment for their services according to their said agreement.

SEC. 2. This act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1899.

## CHAPTER 553.

**An act to give Cumberland county additional terms of the superior court.**

*The General Assembly of North Carolina do enact :*

Two additional terms of Cumberland county superior court established.

SECTION 1. That two additional terms of the superior court of Cumberland county are hereby established, to be held as follows, to wit: One term to be held on the second Monday before the first Monday in March of each year to continue for one week; and one term to be held on the third Monday after the first Monday in September of each year, to continue for one week.

SEC. 2. That this act shall be in force from and after March first, eighteen hundred and ninety-nine.

— Ratified the 6th day of March, A. D. 1899.

## CHAPTER 554.

**An act to create a school district in Sampson county.**

*The General Assembly of North Carolina do enact :*

SECTION 1. That the following boundaries, to-wit: Beginning at Warwick's bridge, on the Sampson side of South river, thence about west down Warwick's road about one and one half miles to J. W. Antry's old store place, taking in Leonard Antry; thence southeast to head of pocosin; thence down said pocosin branch to near J. C. Butler's; thence one and one half miles south across to Jonathan Faircloth's; thence southwest as old line runs to South river, about two and one-half miles; thence up South river to the beginning at Warwick's bridge, shall be and constitute a school district, to be numbered by the school board of county.

School district created in Sampson county.

SEC. 2. This district shall be for the white race.

For white race.

SEC. 3. All laws and parts of laws in conflict herewith are hereby repealed.

Conflicting laws repealed.

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 555.

**An act to abolish county board of education, school committees and county supervisor.**

*The General Assembly of North Carolina do enact :*

SECTION 1. That the county board of education, school committee and county supervisor of schools be and the same are hereby abolished, and that sections six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five of chapter one hundred and eight of public laws of the session of eighteen hundred and ninety-seven be and the same are hereby repealed.

County board of education and county supervisor of schools abolished.

SEC. 2. That this act shall be in force from and after its ratification, and shall apply only to the county of Buncombe.

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 556.

## An act appointing additional justices of the peace for Craven county.

*The General Assembly of North Carolina do enact :*

Justices of peace  
appointed for  
Craven county.

SECTION 1. That the following-named persons be and the same are hereby appointed justices of the peace for the various townships in Craven county as follows:

Township No. 1.

For Number One township—S. F. Hill and B. F. Dinkins, whose term of office shall expire on the thirtieth of November, nineteen hundred and one; A. M. Williams and W. A. Ewell, whose term of office shall expire on the thirtieth of November, nineteen hundred and three; W. C. Brewer, Freeman Gaskins and E. A. Lancaster, whose term of office shall expire on the thirtieth of November, nineteen hundred and five.

No. 2.

For Number Two township—Freeman Ermel and Josiah Tingle, whose term of office shall expire on the thirtieth of November, nineteen hundred and one; W. H. Whithurst and G. L. Arthur, whose term of office shall expire on the thirtieth of November, nineteen hundred and three; S. W. Latham and Alfred Gaskins, whose term of office shall expire on the thirtieth of November, nineteen hundred and five.

No. 3.

For Number Three township—W. C. White and R. A. Russell, whose term of office shall expire on the thirtieth day of November, nineteen hundred and one; Joseph Kinsey and John W. Lane, whose term of office shall expire on the thirtieth of November, nineteen hundred and three; M. Duffy Lane and J. S. Robinson, whose term of office shall expire on the thirtieth of November, nineteen hundred and five.

No. 5.

For Number Five township—L. R. Bacon and L. M. Gilbert, whose term of office shall expire on the thirtieth of November, nineteen hundred and one; Isaac Taylor and W. G. Temple, whose term of office shall expire on the thirtieth of November, nineteen hundred and three; Samuel Bacon and A. Lee, whose term of office shall expire on the thirtieth of November, nineteen hundred and five.

No. 6.

For Number Six township—John N. Hunter, whose term of office shall expire on the thirtieth of November, nineteen hundred and one; T. H. Mallison, whose term of office shall expire on the thirtieth of November, nineteen hundred and three; W. D. Flanner and John D. Pittman, whose term of office shall expire on the thirtieth of November, nineteen hundred and five.

No. 7.

For Number Seven township—B. W. Ives whose term of office shall expire on the thirtieth of November, nineteen hundred and one; H. C. Wood and C. W. Hardison, whose term of office shall expire on the thirtieth of November, nineteen hundred and three;

J. W. Latham and C. B. Lilliston, whose term of office shall expire on the thirtieth of November, nineteen hundred and five.

For Number Eight township—Thomas Gates, Mark Disoway, No. 8. J. M. Hargett, E. T. Gaskill, J. F. Ives, S. W. Ipock and E. G. Hill, whose term of office shall expire on the thirtieth of November, nineteen hundred and one; B. S. Guion, Edward Gerock, H. B. Duffy, H. L. Hall, D. F. Foy, S. W. Willis, H. B. Lane, G. N. Ives, whose term of office shall expire on the thirtieth of November, nineteen hundred and three; N. Tisdale, J. A. Jones, E. K. Bryan, J. J. Baxter, C. E. Foy, E. W. Smallwood, J. B. French, T. W. Waters and G. T. Richardson, whose term of office shall expire on the thirtieth of November, nineteen hundred and five.

For Number Nine township—E. W. Wadsworth and Enoch Lane, whose term of office shall expire on the thirtieth of November, nineteen hundred and one; Harris Lane and M. W. Carman, whose term of office shall expire on the thirtieth of November, nineteen hundred and three; W. B. Lane, O. H. Perry, Thomas B. Ipock and E. Z. R. Davis whose term of office shall expire on the thirtieth of November, nineteen hundred and five.

SEC. 2. That the term of office of the above named justices of the peace shall begin upon the ratification of this act, except that of S. F. Hill, A. M. Williams, John W. Lane, R. A. Russell, J. S. Robinson, S. W. Latham, Josiah Tingle, Alfred Gaskins, W. H. Whitehurst, G. L. Arthur, John D. Pittman, T. H. Mallison, Isaac Taylor, W. G. Temple, H. C. Wood, J. W. Latham, W. B. Lane, Thomas B. Ipock and N. Tisdale, whose terms of office under this act shall begin when their present terms of office as justices of the peace shall expire.

SEC. 3. That all of the said justices of the peace except those mentioned in section two shall have until the first day of June, eighteen hundred and ninety nine, in which to qualify, and those mentioned in section two of this act shall have thirty days after the expiration of their present term in which to qualify.

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

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 557.

**An act for the relief of T. P. Wilcox, ex sheriff of Pasquotank county.**

## Preamble.

WHEREAS, T. P. Wilcox, late sheriff of Pasquotank county, had on deposit in Guirkin & Company's Bank, in the town of Elizabeth City, county of Pasquotank, the sum of nine hundred and fifty-seven and fifty-seven one hundredth dollars at the time the said bank closed its doors and quit business as such; and

WHEREAS, said T. P. Wilcox has turned over to the proper officers all money 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 T. P. Wilcox did faithfully and honestly execute the duties of 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 eighteenth day of October, eighteen hundred and ninety-eight.

*The General Assembly of North Carolina do enact :*

Time extended  
for collection of  
taxes.

SECTION 1. That T. P. Wilcox, ex sheriff of Pasquotank county, be allowed two years from the passage of this act in which to settle the taxes above referred to.

SEC. [2.] That this act shall be in full force and effect after its ratification.

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 558.

**An act to provide for a dispensary for the town of Bryson City, in Swain county, North Carolina.***The General Assembly of North Carolina do enact :*

Sale, etc., of  
liquor in Swain  
county prohib-  
ited.

SECTION 1. That the sale, importation, barter or exchange for unlawful use, delivery, storing and keeping in possession within the town of Bryson City and the county of Swain, state of 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 hereafter 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 one hundred dollars nor more than five hundred dollars, or both fine and imprisonment, in the

discretion of the court for each offense: *Provided*, it shall not be unlawful to manufacture domestic wines for home consumption.

SEC. 2. That A. M. Bennett, A. H. Elmore and D. G. Fisher, Jr., are hereby appointed dispensary commissioners, one to hold office for one year, one for two years, and one for three years or until their successors are elected as herein provided. The successors to the commissioners first appointed shall hold office for three years and shall be elected in the following manner, viz: Upon the expiration of the term of office of each commissioner whose terms have not expired, the remaining commissioners shall appoint the successor of the commissioner whose term has expired. Vacancies for any cause shall be filled by the remaining commissioner or commissioners as the case may be for the unexpired term. If at any time there shall be vacancies in the office of all the commissioners at the same time so that the vacancy can not be filled as above provided, then the mayor and board of aldermen of said town shall appoint commissioners for the unexpired term of the three commissioners whose places are vacant.

SEC. 3. Said dispensary commissioners provided for in this act shall establish and maintain at some point on one of the principal streets in the said town of Bryson City 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 a stock of such liquors in said dispensary as may be necessary to supply the demand therefor. 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 for sale in said dispensary. The commissioners shall from time to time test all liquors except malt liquors purchased by them in cases or bottles, and shall offer for sale in said dispensary and [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. If any spirituous or vinous liquors are after purchase by said commissioners condemned by them as impure and unwholesome, all liquors of the same 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 county one person, to be known as the manager of said dispensary, who shall receive for his services not less than thirty dollars nor more than fifty dollars per month, who shall have charge and control of said dispensary under the supervision of said commissioners, and shall be elected for such term as said commissioners shall

Dispensary commissioners.

Term of office.

Vacancies, how filled.

Establishment of dispensary.

In what quantity sold.

Proviso.

Liquor may be condemned.

Payment may be refused.

Election of manager.

Managers shall execute bond.	deem best, and shall be removed by them for such cause as shall be deemed by said commissioners sufficient. Said manager shall before entering upon the duties of said office execute to the county treasurer a bond with good and sufficient sureties in such sum as may be fixed by said commissioners, not less than five hundred dollars, conditioned that he will well and truly obey the dispensary law, the laws of the state and the rules and regulations established by said commissioners; that he will pay all fines, penalties, damages and costs that may be assessed or recorded against him for violations of such laws during his term of office, and will not sell intoxicating liquors at a price other than that fixed by said commissioners, and that he shall faithfully account to said commissioners for all moneys coming into his hands by virtue of said office.
Bond for use of county and town.	Said bond shall be for the use of the county and town aforesaid. Said bond shall be deposited with the county treasurer, and in any 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 in any action under the provisions of this act. All moneys collected for the breaches of such bond shall be distributed as other funds arising from said dispensary. Said bond shall be approved as any other official bonds of the county. That James F. Teague be and is hereby appointed dispensary manager and he shall hold his office until his successor shall have been elected and qualified according to the provisions of this act.
Liability of sureties.	SEC. 4. Said dispensary commissioners shall make such rules and regulations for the operation of said dispensary as they deem best: <i>Provided</i> , said rules and regulations are in conformity to the provisions of this act. But in no event shall the manager of said dispensary sell in any form except in packages sealed as aforesaid, and it shall be unlawful for said manager to break open such packages or open the same for any reason whatever, and no person shall open said packages on the premises: <i>Provided</i> , 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 said manager in such quantities not less than one bottle as he may see proper: <i>Provided</i> , the same shall not be drunk on said premises. The dispensary shall be open and said liquors shall be sold therein only in the daytime, under such rules as said commissioners may adopt: <i>Provided</i> , the dispensary shall be closed on Sundays, election days and such other days as said commissioners shall direct.
Appointment of manager.	
Regulations for operation.	SEC. 5. The prices at which spirituous, vinous and malt liquors shall be sold shall be fixed by said commissioners: <i>Provided</i> , all sales shall be for cash and at a profit not exceeding one hundred per centum of the actual cost thereof.
Packages shall not be broken.	
Proviso.	
Proviso.	
Drinking on premises prohibited. When liquor may be sold.	
Price of liquor.	

SEC. 6. Said manager 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 liquors within the limits of said county, and the manager of said dispensary knowingly violating the provisions of this section, and any person purchasing from him for the purpose of reselling, bartering or exchanging the same, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than fifty dollars nor more than two hundred dollars 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 commissioners become satisfied that any person has purchased or is purchasing for the purpose of reselling, the said commissioners shall direct as to the quantity to be sold to such person, or if they become satisfied that any person is indirectly purchasing repeatedly for the purpose of reselling, said commissioners are authorized to direct the manager not to sell to such person except upon the certificate of a licensed physician that such liquors are needed for medical purposes.

To whom sales may not be made.

Persons purchasing for purpose of reselling guilty of a misdemeanor.

SEC. 7. The manager 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 shall be removed by said commissioners, and any person failing to leave the dispensary when ordered to do so by the manager shall be guilty of a misdemeanor.

Loitering around dispensary prohibited.

SEC. 8. The mayor and town commissioners of said town of Bryson City 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 county 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 can not be used as a beverage and for no other purpose whatever: *Provided*, that wherever 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 the commissioners shall order the manager 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

Druggists prohibited from selling liquor.

Proviso.

Commissioners may order manager to refuse to sell to druggists.

authorize the sale of any preparation or compound under an name, form or device which may be used as a beverage or is intoxicating in its character.

SEC. 10. If any person shall make any false or fictitious statement in order to obtain liquor at said dispensary for any minor or intoxicated person or for any other cause, the person so offending shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than twenty-five dollars or imprisonment in the county jail not less than three nor more than thirty days.

SEC. 11. 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 third of which amount shall be appropriated from the town treasury and two thirds from the county treasury, and said amounts shall be repaid into the said treasuries out of the profit arising from said dispensary, and thereafter said dispensary shall be supported and maintained out of the profits arising from sales in said dispensary: *Provided*, 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.

SEC. 12. The manager of said dispensary shall on the first Monday of each month or oftener if required by the dispensary commissioners, pay over to the said dispensary commissioners all moneys received by him during the preceding month, and shall keep a strict account of all liquors received by him 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 Swain county, 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 manager 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 and the amount of liquors sold by him 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.

SEC. 13. The dispensary commissioners shall make an annual report to the mayor and board of aldermen of the town of Bryson City and the county commissioners of the county of Swain on or before the first Monday of April in each year showing the receipts and expenses of the dispensary of the calendar year preceding, and the amount of net profits shall be equitably divided

Persons making false statement to obtain liquor guilty of a misdemeanor.

Appropriation of sufficient sum to establish said dispensary.

Proviso.

May appropriate, if necessary, to keep dispensary in operation.

Monthly settlement of manager.

Books shall be subject to inspection.

Dispensary commissioners shall make annual report.

between the town of Bryson City and the county of Swain upon the following plan: One-third thereof to the town of Bryson City and two thirds thereof to the county of Swain. That part of the net profits awarded to the town at any time may be appropriated by the mayor and board of aldermen to a school fund to be used within the limits of the town of Bryson City, or to any purpose that they may lawfully appropriate money for, and that part awarded to the county shall be paid over to the county treasurer and it shall be credited to the school fund.

Net profits, how applied.

SEC. 14. The dispensary commissioners shall give bonds with good and sufficient sureties to the amount of five hundred dollars, payable to the county treasurer, for the faithful performance of the duties of their office, and shall receive for their services not less than twenty five dollars nor more than fifty dollars per annum.

Dispensary commissioners shall give bond.

SEC. 15. That no distiller, maker or manufacturer of spirituous, vinous or malt liquors in Swain county shall be allowed to sell any of said spirituous, vinous or malt liquors in quantities of less than five gallons, nor shall any distiller, maker or manufacturer of spirituous, vinous or malt liquors sell or exchange in any way except as above provided. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, at the discretion of the court.

Distillers, makers and others prohibited from selling liquor.

SEC. 16. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed, and that section three thousand one hundred and eleven of The Code is hereby repealed as to its application to this act.

Conflicting laws repealed.

SEC. 17. That this act shall be in force from and after the first Tuesday after the first Monday in May, eighteen hundred and ninety nine.

When effective.

Ratified the 6th day of March, A. D. 1899.

CHAPTER 559.

An act to allow the working of convicts on the public roads of Franklin county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be the duty of the county commissioners of Franklin county, immediately after the passage of this act, to provide means and make all necessary arrangements and rules for the working on the public roads or other public work of said county of the convicts which shall be hereafter be sen-

Commissioners of Franklin county authorized to make arrangements for working public roads with convicts.

tenced to work thereon under the provisions of this act, and to that end it shall be lawful for the said county commissioners to annually expend of the county funds a sum not exceeding one thousand dollars.

Authorized to employ expert road builder.

SEC. 2. That said county commissioners of said county, upon the passage of this act, shall be and they are hereby authorized to emp'oy a practical expert road builder and constructor, whose duty it shall be to superintend, control and direct the work herein contemplated to be done, the terms of compensation being such as shall be agreed on between said board of county commissioners and the said constructor.

Persons sentenced to imprisonment may be worked on roads.

SEC. 3. It shall be the duty of the judge holding court in Franklin county to sentence to imprisonment and hard labor on the public roads of said county for such terms as are now prescribed by law for their imprisonment in the county jails or in the state prison, the following class of convicts: First, all persons convicted of offenses the punishment whereof would otherwise be wholly or in part imprisonment in the common jail; second, all persons convicted of crimes the punishment whereof would otherwise wholly or in part be imprisonment in the penitentiary for a term not exceeding five years; third, all persons sentenced to imprisonment in jail by a magistrate, and also all insolvents who shall be imprisoned by any court in said county for non payment of cost in criminal causes or for non payment of public taxes until they shall have paid the cost charged against them and the full amount of said taxes, and the county commissioners shall have power to fix the rate of wages for such persons.

Insolvents may be worked on roads.

Prisoners may be sent to penitentiary in discretion of judge presiding.

SEC. 4. That in all cases where the judge holding courts in said county shall think it necessary for the safety of the prisoner or necessary for any other cause to sentence the convicts to the penitentiary instead of to the public roads, it shall be lawful for him to do so.

Purchase of tools and machinery.

SEC. 5. That of the one thousand dollars provided in this act it shall be lawful for the county commissioners to expend such parts thereof as they may deem necessary for the purchase of machinery and tools for the better working of said roads.

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 560.

## An act to provide for the drainage of Hominy swamp.

WHEREAS, Hominy swamp, a natural water course in Wilson county, is not provided with sufficient drainage: and Preamble.

WHEREAS, said swamp in its present condition is a serious menace to the health of the citizens of the town of Wilson and other citizens of Wilson county living contiguous thereto, and

WHEREAS, the health of said citizens would be materially promoted and the interest of those who own land lying upon said swamp would be materially advanced if said swamp were properly drained;

Now, therefore, in order to provide a means to properly drain said swamp and keep the canal running there through in good condition,

*The General Assembly of North Carolina do enact :*

SECTION 1. That the following-named persons: George D. Green, John Y. Moore and Silas Lucas be and the same are hereby appointed a commission to take charge of the drainage of said swamp from the Wilmington and Weldon Railroad bridge over said swamp westward to the road leading from the town of Wilson to Finch's mill. The term of office of said commissioners shall be four years from and after the ratification of this act, their successors to be elected by the mayor of the town of Wilson, the chairman of the board of county commissioners and the clerk of the superior court of Wilson county in joint session on the first Monday in March, nineteen hundred and three, and every four years thereafter. In the event a vacancy occurs on the commission, the same shall be filled by the surviving members thereof. Commissioners of drainage appointed.

SEC. 2. That any person who shall be convicted of any criminal offense in any of the courts of Wilson county or before the mayor of the town of Wilson, and in consequence thereof be sentenced to imprisonment for less time than two years, may on the application of the commission herein created be delivered by the sheriff of said county to the said commission or its agent or appointees for the purpose of working in said swamp; and if any prisoner so delivered shall escape, he shall on conviction thereof be fined or imprisoned at the discretion of the court. Term of office.

SEC. 3. That if any prisoner shall be imprisoned on account of non payment of costs by any of the above-named courts and the said commission shall apply to the court for the work of said prisoner so imprisoned, it shall be the duty of the court before which said prisoner is tried to fix a price per month, including board, at which said prisoner shall work out the costs in said Vacancies occurring.  
Persons convicted of criminal offenses may be worked in said swamp.  
Persons may work out costs in said swamp.

swamp incurred up to such time; and if such prisoner shall escape, he shall on conviction be punished as provided under section two of this act.

Expense incurred, how paid.

SEC. 4. The expense incurred for draining said swamp and keeping the canal or canals there through in good condition shall be paid as follows: The owners of land contiguous to said swamp shall pay such sum as said commission shall adjudge proper, taking into consideration the benefits accruing to said lands by draining of said swamp; the balance of said expense to be paid by the town of Wilson. The amounts assessed by the said commission shall be determined at a meeting or meetings of said commission on a date or dates certain, of which thirty days notice shall be given in the town of Wilson and the owners of land lying on said farm. The said commission shall certify its action to the clerk of the superior court of Wilson county and the said town of Wilson, and the owners of land lying on said swamp shall have the right to appeal to the superior court from the action of said commission within ten days from and after the date the said report or reports is filed with the said clerk. If no appeal shall be taken from the report of said commission, the same shall be confirmed by the clerk of the superior court of Wilson county, and the amounts assessed by the said commission against the owners of said lands shall stand as a judgment of the court and be docketed on the judgment docket of the superior court by the clerk thereof, and shall constitute a first lien on the real estate against which said amounts are assessed.

Owners of land contiguous to swamp shall pay certain sum.

Commission shall certify amount assessed to clerk of court.

Amount so assessed shall stand as a judgment.

Annual limitation.

SEC. 5. In performance of the work herein provided for the said commission shall not expend to exceed one thousand dollars in any one year.

Convicts shall be cared for.

SEC. 6. That whenever any convicts are committed to the custody of said commission pursuant to section two of this act, said convict shall be fed and clothed by the county of Wilson and lodged in the county jail when not employed on said canal.

Conflicting laws repealed.

SEC. 7. All laws and clauses of laws in conflict with this act are hereby repealed.

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

Ratified the 6th day of March, A. D. 1899.

#### CHAPTER 561.

#### An act to incorporate the Slater Industrial and State Normal School of Winston-Salem, North Carolina.

Preamble.

WHEREAS, it appears to the general assembly that under and by virtue of articles of incorporation, signed by S. G. Atkins and others, filed and recorded in the office of the clerk of the superior court of Forsyth county, North Carolina, on the twenty-eighth

day of September, eighteen hundred and ninety-two, and on the same day said persons, their associates and successors, were declared by the clerk duly incorporated in pursuance of law, as contained in chapter sixteen of The Code, under the name of the Slater Industrial Academy, and that said institution is possessed of valuable lands, dormitories, shops and a large and commodious building thereon, situated near the corporate limits of Winston Salem, North Carolina, and that the same has been provided and equipped for industrial and normal training of students and teachers of both sexes for the colored race; and

WHEREAS, by different acts of the general assembly of North Carolina the same has been recognized, established and supported as one of the state normal schools for the colored race; and

WHEREAS, it appears that a more perfect and comprehensive plan of incorporation is required to provide for the proper growth and government of the same; therefore be it enacted and

*The General Assembly of North Carolina do enact:*

SECTION 1. That H. E. Fries, H. R. Starbuck, W. A. Blair, A. H. Eller, Henry Roberts, George G. Williams, S. G. Atkins, J. F. George, Charles Dexter Allen, R. C. Caldwell, and such others as they may associate with them, and their successors be and are hereby constituted a body politic and corporate by the name, "The Trustees of Slater Industrial and State Normal School," and shall have perpetual succession and a common seal, and by the name aforesaid they and their successors shall be capable in law and shall have full power and authority to acquire, hold, possess, purchase, receive and retain to them and their successors forever any lands, tenements, rents, goods, chattels, franchises or interests of any kind whatsoever which may be granted, conveyed, bequeathed or given to them or by them purchased or otherwise acquired for the use of an institution of learning, to be called the Slater Industrial and State Normal School: *Provided*, the amount of land to be held by them shall not exceed one thousand acres. They and their successors shall have power to improve, cultivate and lay out said lands and erect buildings, bridges and other establishments thereon, and sell, exchange or otherwise dispose of the same in any manner whatsoever they may adjudge most useful to the interests and legitimate purposes of said institution; and by their corporate name may sue and plead and be sued and impleaded in all courts and places in North Carolina.

Corporators.

Body politic.

Corporate name.

Corporate powers.

Power of trustees.

SEC. 2. That the purposes of said Slater Industrial and State Normal School shall be as follows: For the instruction of youth of the colored race in the various common school, academic and collegiate branches, the best methods of teaching the same and

Purpose of school.

- the best mode of practical industry in its application to agricultural and mechanic arts; and for the carrying out of these purposes the said trustees may establish any departments or schools in the said institution and issue any scholarships, certificates and diplomas and confer any degrees of merit and honor which they may determine upon, and to these ends cooperate with other institutions of like character.
- Trustees may issue scholarships, certificates, etc.**      **SEC. 3.** That the trustees or a majority of them shall choose by ballot a president, vice president, secretary, treasurer and such other officers, teachers or agents as they shall deem necessary, and to remove the same at pleasure—two-thirds of a quorum concurring in said removal. They shall also have the right and power to require a bond for the treasurer, payable to the trustees of said school in such penalty and with such security as they may deem reasonable, and conditioned for the faithful discharge of the duties of his office, said duties to be prescribed by the trustees or a majority of them. The said trustees may make any and all manner and form of contracts in behalf of said institution and manage and control the finances and resources and in general direct the affairs of the said institution.
- Election of president and other officers.**
- Bond required of treasurer.**
- Vacancies occurring in board of trustees.**      **SEC. 4.** That when there shall be a vacancy in the board of trustees occasioned by death, removal, refusal to act, or in any otherwise, the remaining trustees or a majority of them shall, on notice from the president or secretary, supply said vacancy by electing other trustee or trustees at the next called meeting or the next regular meeting. It shall be lawful for the president, secretary and treasurer, two other trustees concurring, to call a meeting of the trustees whenever they shall deem it expedient.
- Number of trustees.**      **SEC. 5.** That the board of trustees shall comprise not less than seven nor more than twenty one persons, resident of this or any other state, and any five of them shall at all times constitute a quorum.
- Adoption of by-laws, etc.**      **SEC. 6.** That the trustees may at any meeting adopt such by-laws, rules and regulations not contrary to the laws of North Carolina or of the United States as they may deem necessary for the good government and proper management of the said institution.
- Charter heretofore granted revoked.**      **SEC. 7.** That from and after the passage of this act the charter or articles of incorporation heretofore granted to the Slater Industrial Academy by the clerk of the superior court of Forsyth county, save so far as ratified by this act, is hereby revoked and annulled.
- Former rights continued.**      **SEC. 8.** That all the rights, privileges and properties acquired by the said Slater Industrial Academy be and the same are hereby ratified and confirmed and vested in The Trustees of the Slater Industrial and State Normal School and their successors. And all

duties and liabilities of the Slater Industrial Academy are hereby ratified and imposed upon The Trustees of the Slater Industrial and State Normal School and their successors.

SEC. 9. That it shall be the duty of the said board of trustees to cooperate with the superintendent of public instruction of North Carolina and the state board of education, and any trustees, boards, committees or officers which he or they may appoint, in and for the regulation and management of the State Normal School or department therein and the expenditure of such appropriations as are now in force or may hereafter be made by or under any act of the general assembly of North Carolina for such normal school. And it shall be the duty of the said Trustees of the Slater Industrial and State Normal School to make report to the superintendent of the state board of education concerning the management of said normal school or department, to be communicated to the general assembly.

Trustees shall cooperate with superintendent of public instruction.

SEC. 10. That any and all property held by The Trustees of the Slater Industrial and State Normal School for its legitimate purposes of education shall be exempt from all public taxes, dues and fees whatsoever.

SEC. 11. That this act shall be in force from and after its ratification.

Ratified the 6th day of March, A. D. 1899.

#### CHAPTER 562.

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

*The General Assembly of North Carolina do enact :*

SECTION 1. That the proper authorities of the state prison are hereby authorized to furnish, whenever in their judgment it is expedient to do so, to Chatham county thirty convicts from said state prison to be used in working and improving the public roads of said county: *Provided*, that such convicts shall be furnished only upon application of the board of county commissioners of said county of Chatham.

Authorities of state prison authorized to furnish prisoners to Chatham county.

Proviso.

Shall be furnished only on application.

SEC. 2. The county of Chatham shall bear all expense of transportation guarding, boarding, clothing and all other expenses incident to the welfare, working and safe keeping of such convicts as may be furnished to said county for said purpose.

County of Chatham shall bear all expenses.

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

Conflicting laws repealed.

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 563.

An act to authorize the commissioners of Mecklenburg county to issue bonds to macadamize and improve the public roads thereof

*The General Assembly of North Carolina do enact:*

Commissioners of Mecklenburg county empowered to issue bonds.

Amount of bonds.

Interest.

Maturity of bonds.

Proviso.

How disposed of.

Commissioners authorized to levy special tax to pay interest and principal.

Commissioners shall not issue bonds until an election has been held.

Form of ballot.

SECTION 1. That for the purpose of macadamizing and otherwise improving the public roads of Mecklenburg county the board of commissioners of said county are hereby authorized and empowered to issue bonds of the county to an amount not exceeding the sum of one hundred thousand (\$100,000) dollars of the denominations not to exceed one thousand (\$1,000) dollars, bearing interest from the date thereof at a rate not to exceed five per centum per annum, with interest coupon attached payable semi-annually 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 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: *Provided*, 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.

SEC. 2. That for the purpose of providing for the payment of the interest accruing on and the principal at maturity of said bonds, issued under the authority of this act, the board of commissioners or other authority vested with the power of levying taxes for said county shall annually and at the time of levying of other county taxes levy and lay a special tax on all subjects of taxation, which said authorities now or hereafter may be allowed to lay and levy taxes upon for any purpose whatever, sufficient to pay the interest on said bonds and to create a sinking fund for the payment of the principal of said bonds at maturity.

SEC. 3. That before the board of commissioners of said county shall be authorized to issue the bonds hereinbefore provided for, they shall submit to a vote of the qualified voters of Mecklenburg county at the first general or special election to be held in said county the question as to whether said bonds shall be issued in accordance with the provisions of this act, said election to be held under the rules and regulations provided for the holding of the general or special election hereinbefore referred to, at which election all qualified voters approving the issue of bonds and the levy and collection of taxes hereinbefore provided for shall deposit in the ballot box a slip containing the printed or written words, "For public road improvements," and those disapproving the same shall deposit a ballot with the printed or written words.

“Against public road improvements.” If the majority of the registered voters shall vote “For public road improvements,” it shall be deemed and held that a majority of the qualified voters of Mecklenburg county are in favor of granting to 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; but if the majority of the voters shall not vote to issue the bonds hereinbefore provided for said commissioners shall not have such authority, but it shall not prevent the board of commissioners of said county from ordering the question to be submitted to the qualified voters thereof at any succeeding general or special election held in said county under the same rules and regulations as hereinbefore provided. It shall be the duty of the election officers of every precinct in the county to certify to the board of commissioners direct the result of any election held under this act, and the return of such election officers when so certified shall have all the force and effect provided by the general election law then in force for similar returns of such officers when made with reference to county and state elections, and the board of county commissioners shall report in their minutes the election returns so made by them and shall declare the result of said election in accordance therewith.

Commissioners may order succeeding election.

Result shall be certified.

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

Conflicting laws repealed.

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

Ratified the 6th day of March, A. D. 1899.

#### CHAPTER 564.

An act to establish a dispensary at Selma, North Carolina.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person whatever to sell, directly or indirectly, any spirituous, vinous, malt or other intoxicating liquors within the corporate limits of the town of Selma, in Johnston county, state of North Carolina, except as hereinafter provided for in this act.

Sale of liquor in town of Selma unlawful, except as herein provided.

SEC. 2. That John H. Parker, Moses C. Winston and William H. Hare be and they are hereby appointed dispensary commissioners under this act, who shall be known as dispensary commissioners, and who shall hold their office respectively for one, two and three years, each of whom shall continue in office until

Dispensary commissioners.

**Term of office.**

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 an elector of the town of Selma to fill the office made vacant by the expiration of the terms of said dispensary commissioner, and upon approval of such nomination by the town commissioners he shall become a dispensary commissioner for the term of three years. Should the town commissioners reject the nomination 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 clerk of the board of town commissioners. If from any cause the dispensary commissioners shall fail for thirty days to nominate 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 the town of Selma to fill the office then vacant.

**Town commissioners may reject nominations.**

**Dispensary commissioners shall take oath.**

**Dispensary commissioners shall provide place for a dispensary.**

SEC. 3. That it shall be the duty of the dispensary commissioners appointed under this act to provide a suitable place for the sale of spirituous, vinous, malt and fermented liquors within the corporate limits of the town of Selma, which shall not be within three hundred feet of any church, where spirituous, vinous and malt liquors shall be kept for sale under the direction of the dispensary commissioners by a manager, who shall have charge and control of all liquors bought by said dispensary commissioners for sale in said town of Selma.

**Manager, how chosen.**

SEC. 4. That said manager shall be chosen by said dispensary commissioners and shall have charge of the management of said dispensary 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 a sum to be fixed by the dispensary commissioners, not less than five hundred [dollars], for the faithful discharge of his duties and for the payment of all moneys received by him to the dispensary commissioners. He shall be paid a salary, to be fixed by the 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 shall be the duty of the manager to keep a register, on which shall be recorded the names of all persons to whom any liquor is sold, the quantity sold, the price paid and the date of sale.

**Shall keep a register.**

**Stock to be kept.**

SEC. 5. The manager shall at all times, under the supervision of the dispensary commissioners, keep a stock of spirituous, vinous and malt liquors on hand, and all bills incurred for the es-

establishment of the dispensary and the maintenance of the same, and for the purpose of stock from time to time shall be paid by the dispensary commissioners; the said manager shall sell only for cash and shall turn over all moneys received by him to the dispensary commissioners as often as shall be required of him.

Shall sell only for cash.

SEC. 6. That the said dispensary commissioners shall from time to time make such rules and regulations for the operation of said dispensary as may be necessary; the quantity to be sold to any one person shall be determined by them, but in no event shall wine or liquors be sold in quantities less 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 to persons intoxicated or under the influence of liquor. That the dispensary shall not be opened before sunrise and shall be closed before sunset, and it shall be closed on Sundays, on election days and on such other days as makes the sale of liquor unlawful in this state.

Rules and regulations.

Hours of opening and closing.

SEC. 7. The price at which spirituous, vinous and malt liquors shall be sold shall be fixed by the dispensary commissioners: *Provided*, the same shall not be sold at a profit exceeding eighty per centum of first cost.

Price of liquors.

SEC. 8. That said manager shall sell to no person or persons any liquors of any kinds except in sealed packages, and that no broken packages shall be kept in said dispensary. That the said manager shall make a monthly report to the dispensary commissioners showing the amount of sales for the preceding month and stock on hand at last day of the month.

No broken packages shall be kept.

SEC. 9. That said dispensary commissioners shall cause an analysis and inspection to be made of the stock on hand from time to time and no liquors shall be sold in said dispensary that are not pure and unadulterated; and if any liquors shall be condemned as impure and unadulterated [adulterated] the same shall not be sold and payment for the same shall be refused to the person from whom such liquors were purchased.

Analysis of liquors.

SEC. 10. That no liquors shall be sold in said dispensary to any person or persons for the purpose of selling again, and any person or persons buying any liquors at or from said dispensary for the purpose of selling again shall be guilty of a misdemeanor.

Liquor shall not be sold to persons for purpose of selling again.

SEC. 11. That the manager of the dispensary shall not allow any person to loiter in said dispensary or upon the premises on which the same is situated, and for a failure to comply with this section he shall be discharged, and if any person shall refuse to leave the dispensary or the premises on which the same is situated he or she shall be punished upon conviction in the mayor's court as shall be prescribed by the ordinances of the town.

Loitering around premises prohibited.

Ordinances relat-  
to dispensary.

SEC. 12. That the commissioners of the town of Selma shall from time to time pass such ordinances as may be necessary to carry out this act.

Commissioners  
shall appropriate  
sum sufficient to  
establish dispen-  
sary.

SEC. 13. That the commissioners of the town of Selma shall appropriate from the town treasury a sufficient amount of money to establish the dispensary as provided for in this act, which amount shall be repaid into the town treasury from the profits first arising from the sale of liquors in said dispensary.

Commissioners  
shall make an-  
nual report.

SEC. 14. That the dispensary commissioners shall make an annual report to the town commissioners showing in detail the amount of money expended in the purchase of liquors, to whom paid, the expenses of said dispensary, the salary of the manager, salary of the dispensary commissioners, and all the moneys expended on account of dispensary and money received on account thereof.

Amount to be  
paid sheriff of  
Johnston county.

SEC. 15. That the dispensary commissioners shall pay to the sheriff of Johnston county a sum equal to the tax levy by the county and state for retail dealers of spirituous liquors, for which the sheriff of Johnston county shall issue to the "manager of the Selma dispensary" a license to sell liquors under this act, without first requiring from the commissioners of Johnston county an order to issue said license.

Compensation of  
commissioners.

SEC. 16. That the dispensary commissioners shall be paid for their services the sum of twenty-five dollars each per annum.

Profits, how  
applied.

SEC. 17. That one-half of the profits arising from the sale of liquors in said dispensary shall be paid by the dispensary commissioners into the town treasury for the use of said town, to be expended under the order of the commissioners of the town of Selma.

Profits to be paid  
to treasurer of  
Johnston county.

SEC. 18. That the other half of the profits arising from the sale of liquors in said dispensary shall be paid to the county treasurer of Johnston county by said dispensary commissioners, and shall be by him placed to the credit of the free public school fund of districts number seventy and twenty-nine, in which the town of Selma is situated, and shall be expended under the discretion of the commissioners of the town of Selma for the use of and benefit of free public schools in districts number seventy and twenty-nine, the same being the districts in which the town of Selma is situated.

Conflicting laws  
repealed.

SEC. 19. That all laws and clauses of law in conflict with this law be and the same are hereby repealed, and that section three thousand one hundred and eleven of The Code is hereby repealed as to its application to this act.

When effective.

SEC. 20. That this act shall be in force from and after the first day of July, Anno Domini eighteen hundred and ninety-nine.

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 565.

## An act to create a new township in Alleghany county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That a new township is hereby created in Alleghany county, to be taken from Gap Civil and Cranberry townships. New township created in Alleghany county.

SEC. 2. That the lines of this new township shall begin and run as follows: Beginning on top of the highest knob of the A. J. Taylor mountain and running thence near south with the dividing waters of Little river and Pine Fork and Meadow creek to the top of the bluff on top of the Blue Ridge; thence eastwardly with the Alleghany and Wilkes county line to the line of Cherry Lane township; thence to the deep gap in Bull Head; thence with the Bull Head and Whitehead road to the ford of No Head creek; thence down and with No Head and Pine Swamp creeks to Little river; thence up and with said river to the mouth of the branch below B. N. Edwards' residence; thence to the top of the mountain, near W. W. Spicer's, so as to include B. H. Edwards' residence and W. W. Spicer's residence in said new township; thence with the top of the mountain range to the beginning. Lines of said township.

SEC. 3. That the new township shall be known as Whitehead township.

Name of township

SEC. 4. That the voting precinct shall be at Whitehead.

Voting precinct.

SEC. 5. That it shall be the duty of the judges of election who may be appointed in said new township of Whitehead to transcribe from the registration books of Gap Civil and Cranberry townships the names of all voters living within the bounds of this new township into a registration book prepared for the purpose in said new township at least thirty days before an election to be held, and at the time of such transcribing it shall be the duty of the registrars of Gap Civil and Cranberry townships to erase all such names transcribed from their respective townships: *Provided*, that all names that have heretofore been transcribed or registered at said Whitehead precinct for the election of eight een hundred and ninety-eight need not be again transcribed. Duties of registrar and judges of election of said township.

SEC. 6. That G. T. Caudill, D. C. Whitehead, W. J. Choote, Allen Irwin and Solomon M. Edwards be and they are hereby appointed justices of the peace in and for said Whitehead township, and Linville Joines be and he is hereby appointed constable in and for said Whitehead township. Justices of the peace appointed.

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

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 566.

## An act to fund the bonded indebtedness of Murfreesboro township, in Hertford county.

*The General Assembly of North Carolina do enact:*

For purpose of funding debt.

SECTION 1. That for the purpose of compromising, settling and funding the present bonded and judgment indebtedness of Murfreesboro township, in Hertford county, created or incurred by the consent of the qualified voters of said township at an election held on the twenty-first day of July, eighteen hundred and eighty-seven, under or in pursuance of chapter three hundred and sixty-five of the acts of the general assembly of North Carolina, the board of commissioners of Hertford county are hereby authorized and empowered and it shall be their duty upon the written request of fifty resident freeholders of said Murfreesboro township in said county to issue for and on behalf of said township bonds to an amount named in said written request, not exceeding in the aggregate the sum of twenty-three thousand dollars, of such form and tenor and of such denomination or denominations and payable or redeemable at such period or periods and in such place or places as may be set forth in such written request, said bonds to have interest coupons attached calling for interest at not a greater rate than six per centum, payable annually by the treasurer of said county.

Commissioners may issue bonds at request of fifty freeholders.

Limitation to issue.

Rate of interest.

Special annual tax may be levied to pay interest on bonds.

SEC. 2. That to provide for the payment of the interest on said bonds that may be issued under the provisions of section one hereof, the board of county commissioners shall at the time of levying other taxes and in addition to other taxes compute and levy upon all the subjects of taxation in said township a special tax sufficient to pay the interest on said bonds as it matures, and to provide a sinking fund for purchase or redemption of said bonds before maturity or the payment of the principal thereof at maturity, but said special tax shall not exceed fifteen (15) cents on the one hundred dollars valuation of property and forty-five cents on each poll. Said taxes shall be collected by such officer of the county of Hertford as is entrusted or may be entrusted with the collection of the county taxes, under the same rules and regulations as are provided for collecting other taxes, and he and his sureties shall be liable to the same penalties and subject to the same remedies as are now prescribed by law for the faithful collection and payment of taxes to the state and county. The proceeds of the collection of such special taxes shall be applied exclusively to the purposes for which they are collected, and any officer who shall misapply or divert any of the proceeds of said special taxes from the purposes for which they are or may be

Maximum special tax.

Special tax, how collected.

Proceeds of said taxes, how applied.

levied, and any person aiding or abetting in such misapplication or diversion, shall be guilty of a misdemeanor, and shall upon conviction thereof be fined one thousand dollars and shall also be imprisoned in the discretion of the court.

SEC. 3. Said bonds hereinbefore authorized to be issued shall be signed by the chairman of the board of county commissioners of Hertford county and the clerk of said board and shall have the common seal of said county affixed, and the coupons shall be signed by the chairman alone or shall bear a lithographed facsimile of his signature. Bonds, how signed.

SEC. 4. The coupons on said bonds shall be receivable for taxes due under this act, and it shall be the duty of the officer collecting said taxes to receive such coupons when tendered, if due and payable. Coupons receivable as taxes.

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

Ratified the 6th day of March, A. D. 1899.

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#### CHAPTER 567.

An act changing the county line between Alleghany and Wilkes counties.

*The General Assembly of North Carolina do enact:*

SECTION.1. That the line between the counties of Alleghany and Wilkes be changed as hereinafter set out, so as to cut off a small portion of Alleghany county to Wilkes, to-wit: Beginning on the top of the Grandfather mountain and running thence to the Gaither rocks; then near east to a chestnut tree in the county line in E. A. Long's field; then near east to the bend in the Grassy Gap road, known as the big winds, in J. J. Miller's field; thence to the low gap in the mountain near Isaac Holloway's residence; thence near east with top of the mountain with the dividing waters to the Cherry Lane township line. County line between Alleghany and Wilkes counties changed.

SEC. 2. That this part of Alleghany county so cut off shall become a part of Wilkes county. Part cut off from Alleghany shall become part of Wilkes county.

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 568.

## An act relating to February term of the superior court of Craven county.

*The General Assembly of North Carolina do enact :*

Chapter 288, public laws of 1895, amended.

SECTION 1. That chapter two hundred and eighty-eight, public laws of North Carolina, eighteen hundred and ninety five, be amended by striking out in section six, line three, the words, "first Monday in February" and insert in lieu thereof the words "fifth Monday before the first Monday in March."

SEC. 2. This act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1899.

## CHAPTER 569.

## An act to allow the county of Alamance to issue bonds for permanent road improvement.

*The General Assembly of North Carolina do enact :*

Commissioners of Alamance county authorized to issue bonds.

Amount of bonds.

Price of bonds

Denomination of bonds

Treasurer shall sell bonds.

Road fund.

When paid out

SECTION 1. That the board of county commissioners of Alamance county on the first Monday of November, Anno Domini eighteen hundred and ninety nine, shall issue coupon bonds of the said county for the sum of one hundred thousand dollars, running fifty years and bearing interest at the rate of five per centum per annum, and place the same in the hands of the county treasurer of said county, to be by him sold at not less than their face value. And the coupons for the interest shall be receivable by the tax collector of said county for the full amount of the county tax due from the holder of said bonds or any amount of them. The bonds shall be in denominations of fifty dollars, one hundred dollars, five hundred dollars and one thousand dollars, and the interest shall be paid on the amount outstanding each year, on the first day of November of each and every year so long as they shall remain unpaid in whole or in part.

SEC. 2. That it shall be the duty of the treasurer of said county to sell said bonds as fast as the county commissioners and the public road superintendent shall recommend such sale at a price not less than their face value, and keep the funds arising from said sale in a separate account and fund, to be known as the "permanent road fund"; and he shall not pay it out for any other purpose, and then only on the written order of the public road superintendent, and it approved by the county commissioners of said county by an order duly and regularly made at one of their stated and regular meetings, and it entered on the books of

minutes of said commissioners' meetings. And the said commissioners and superintendent shall use no part of said permanent road fund for any purpose except for making permanent roads in said county, and on such as are the principal roads in said county, and the work to begin in the center of the county at the corporate limits of Graham and to extend toward such points as are the principal business centers of the county, and the roads shall be extended in this way until the outside limits of the county are reached.

To be expended only for purpose named.

SEC. 3. That it shall be the duty of the county commissioners in order to meet the interest on said bonds as it falls due to levy a sufficient tax in addition to taxes now provided by law upon the property and polls, observing the constitutional equation in making said levy, and when it is collected it shall be applied to no other purpose than to pay interest on said bonds, and the surplus shall be from time to time as it accumulates invested in said bonds and then cancelled.

Special annual tax may be levied to create sinking fund.

SEC. 4. That it shall be the duty of the board of commissioners of Alamance county to order an election to be held in said county at the several voting places in said county under the laws for holding elections for members of the legislature that may be in force on the first day of May, eighteen hundred and ninety nine, upon the question of the ratification of this act; and if at said election a majority of the votes cast shall be for the ratification of this act, then the same shall be in force and the law shall be carried out as herein directed. And for the purpose of taking the sense of the people all who favor this issue of bonds shall vote at said election a written or printed ballot with the words on it, viz: "For good roads," and all who oppose the issue of bonds shall vote a written or printed ballot with the words on it, viz: "Against good roads." And the returns of the election shall be canvassed by the board of county commissioners on the Monday following the day on which the election is held, and the result declared and a record of the vote taken shall be made as required by the law that shall be in force at that time. That said election shall be held on the first Thursday of August in the year eighteen hundred and ninety-nine. If a majority of the votes cast shall have the written or printed words on them, viz: "For good roads," then this act shall be declared ratified by the county commissioners of Alamance county, and it shall be their duty to carry it into execution as herein provided, otherwise this act shall be void and of no effect.

Election shall be ordered.

Question of bonds or no bonds submitted to voters.

Form of ballots. Returns of election.

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 570.

## An act to provide funds for the erection of a monument to the memory of Zebulon B. Vance.

*The General Assembly of North Carolina do enact :*

Appropriation to Vance Monument Association.

SECTION 1. That the sum of five thousand dollars be and the same is hereby appropriated to be used with a fund in the hands of Joseph G. Brown, of the city of Raleigh, treasurer of the Vance Monument Association, for the purpose of erecting a bronze statue of Z. B. Vance on capitol square, Raleigh, North Carolina.

Purchase of bronze monument authorized.

SEC. 2. That the president and treasurer of said association, together with a committee of three members of the present general assembly, to be appointed by the president of the senate and the speaker of house of representatives, are hereby appointed to purchase and erect on capitol square a bronze monument of Z. B. Vance.

Amount, when paid

SEC. 3. That the amount appropriated by section one of this act shall be paid by the treasurer of the state on demand of the committee of three appointed by the president of the senate and the speaker of the house of representatives.

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

Ratified the 7th day of March, A. D. 1899.

## CHAPTER 571.

## An act for the relief of John L. Phelps, sheriff of Washington county.

*The General Assembly of North Carolina do enact :*

John L. Phelps allowed until August, 1899 to settle state taxes of Washington county.

SECTION 1. That John L. Phelps, sheriff of Washington county, be and is hereby allowed until the first Monday in August, eighteen hundred and ninety-nine, to settle the taxes of said county due the state for this year.

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

Ratified the 6th day of March, A. D. 1899.

## CHAPTER 572.

## An act for the relief of S. M. Transon and son, and Miss Ella Mastin, of Ashe county.

*The General Assembly of North Carolina do enact :*

Treasurer of Ashe county authorized to pay certain school claims.

SECTION 1. That the treasurer of Ashe county is hereby directed to pay to S. M. Transon and son the sum of three dollars and

four cents (\$3.04) on order for money due school district number forty-five for the year of eighteen hundred and ninety-five; and also the treasurer of said county is authorized to pay Miss Ella Mastin the sum of seven dollars and fifty cents (\$7.50) for services rendered as a public school teacher for the white race in school district number eight in the year of eighteen hundred and ninety-six: *Provided*, that the said claims mentioned in this act shall be bona fide and approved by the school committeemen of the respective districts mentioned in this act.

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

Ratified the 7th day of March, A. D. 1899.

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CHAPTER 573.

An act to make part of Roaring river, in Wilkes county, a lawful fence.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the following stream in Wilkes county, North Carolina, be and the same is hereby made and constituted a lawful fence: Beginning at the ford of Roaring river, about five miles from the Yadkin river east of Spencer Blackburn's, running up and with the west fork of said river to the fork near Dockery; then up the middle fork of said river to the mouth of Lovelace creek, near F. H. Alexander's dwelling.

Certain streams  
in Wilkes county  
constituted a  
lawful fence.

SEC. 2. That this act shall be in force and take effect from and after May first, eighteen hundred and ninety-nine.

Ratified the 7th day of March, A. D. 1899.

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CHAPTER 574.

An act to prohibit the sale of whiskey in the town of Shelby except upon prescription of physician.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person to sell any spirituous, vinous or malt liquors within the corporate limits of the town of Shelby, Cleveland county, except by a druggist, strictly and only for medical purposes and then only upon the bona fide prescription of some legally practicing physician; and any person violating this act shall be guilty of a misdemeanor,

Sale of liquors  
within corporate  
limits of Shelby  
unlawful.

and upon conviction shall be fined not less than two dollars nor more than fifty dollars nor imprisoned for more than thirty days.

Fines accruing from violation of this act, how applied.

SEC. 2. That all fines accruing from prosecutions and convictions under section one of this act shall be paid to the treasurer of the town of Shelby and be applied to the school fund of said town.

SEC. 3. That a conviction under this act shall not bar a prosecution in the superior courts for a violation of the general laws against selling whiskey.

Conflicting laws repealed.

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

SEC. 5. That this act shall be in force from and after the thirtieth day of June, eighteen hundred and ninety-nine.

Ratified the 7th day of March, A. D. 1899.

#### CHAPTER 575.

An act to require the secretary of state to pay over to the state treasurer accumulated land grant funds.

Preamble.

WHEREAS, it appears from the report of the secretary of state of North Carolina that there has accumulated in his office a sum of money amounting to five thousand dollars or more, which sum arises from various sums of money sent by persons to said office towards or for obtaining state patents or grants for lands, the senders of such sums of money either failing to send with such sums of money proper papers upon which a patent or grant could issue, or failing to send the necessary amount of money to obtain such grant or patent; and

WHEREAS, this fund has accumulated for a great many years, and the persons sending the amounts making the same having failed to claim or demand any return or other disposition of such sums of money; and

Preamble continued.

WHEREAS, it appears from the report from said secretary of state that the several sums of money constituting this fund can not be returned to the legitimate owners thereof for the reason that they are not known and there is no means of ascertaining who they are, said sum having been the result of accumulation for many years; and

Preamble continued.

WHEREAS, said sum of money is an idle and useless fund in the hands of said secretary, no power or authority conferred upon him by law to make disposition of same; therefore

*The General Assembly of North Carolina do enact :*

SECTION 1. That the secretary of state of North Carolina, be and he is hereby directed and required to pay over to the treasurer of the state of North Carolina such sums of money as may be in his hands accumulated from the sources set forth in the preamble to this act, which sum shall be received by the treasurer of the state and held by him for six months, subject to be returned to the owner thereof or to their legal representatives upon such owners or representatives satisfying said treasurer of their legal right to said money, and after the expiration of the aforesaid six months the treasurer is hereby directed and required to credit such balance of money as may remain on hand to the state pension fund, and the same shall be available only for this purpose.

Secretary of state directed to pay certain funds to state treasurer.

SEC. 2. That the said secretary of state shall annually on the first day of January of each year pay over to the state treasurer any moneys accumulated from the sources set forth in the preamble of this act, and the same held and applied by the said treasurer as directed in section one of this act.

Secretary of state shall make annual settlement of such funds.

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

Ratified the 7th day of March, A. D. 1899.

#### CHAPTER 576.

An act to promote the cultivation of shell-fish in Brunswick county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the justices of the peace for Brunswick county may on the first Monday in June following the passage of this act and every two years thereafter elect three of the qualified voters of the said county, who shall be styled the board of shell-fish commissioners of Brunswick county and who shall qualify on or before the first Monday of the July next following their election.

Election of shell-fish commission of Brunswick county.

SEC. 2. That the term of office of the board of shell-fish commissioners shall be two years and until their successors are elected and duly qualified and before entering upon the duties of their office they shall take and subscribe before a justice of the peace or clerk of the superior court the oath prescribed by chapter forty. section three thousand three hundred and fifteen, subsection forty seven of The Code.

Term of office.

SEC. 3. That the justices of the peace shall fix and determine the compensation of the members of the board of shell fish com-

Compensation.

missioners, and the said compensation and such other expenses as may be incurred in carrying out the provisions of this act shall be paid by the treasurer of the county out of any money derived from the sales of franchises or from taxes laid upon oyster grounds, and the said money so derived shall be set apart and kept separate for the foregoing purpose and paid out upon the order of the board of shell fish commissioners.

Commissioners shall stake out and define natural beds.

SEC. 4. That the board of shell fish commissioners shall stake out and define the natural beds of the county, and shall publish the locality and description of the same for the benefit of the public, and shall record the same description in the office of the register of deeds.

Persons desiring to cultivate oysters shall apply for survey.

SEC. 5. That any person being a citizen of Brunswick county and desiring to raise or cultivate oysters or other shell fish on any ground within the boundaries of the county of Brunswick not set apart as a natural bed shall make application to the board of shell fish commissioners for a survey of the ground desired, and the said board upon receiving the said application shall cause a survey to be made at the expense of the applicant, and if upon the completion of the survey it should appear that the ground desired does not include any natural bed the board of commissioners shall make a certificate to that effect, which certificate shall be attached to the plat and delivered to the applicant, who shall forward the same with a copy of the application to the secretary of state. And all persons now owning grants under former entries or license who have improved the same, not exceeding ten acres, are hereby confirmed and made good, and vested in themselves, their heirs and assigns.

Amount to be paid treasurer for ground by applicant.

SEC. 6. That upon receipt of the plat and certificate of the board of shell fish commissioners and before forwarding the same to the secretary of state the applicant shall pay to the treasurer of the county twenty five cents per acre for the ground desired, and the treasurer shall receipt for the same and shall furnish a certificate of the amount of the said payment to the secretary of state

Fees of secretary of state for conveying franchise.

SEC. 7. That the secretary of state upon receipt of the plat and certificate of the board of shell fish commissioners, the certificate of the county treasurer and the lawful fees of the secretary of state, shall, if the amount paid the county treasurer agrees with the number of acres shown by the plat and surveys, issue to the applicant a written instrument conveying a perpetual franchise for the purpose of raising and cultivating shell fish in and to the ground described in the survey and plat, and the said instrument shall be authenticated by the governor, countersigned by the secretary of state and recorded in his office; and all franchises granted under this or previous acts shall be and remain in the

Franchises granted under this act.

grantee, his heirs and assigns: *Provided*, that the holder or holders shall make in good faith, within three years from the date of the issuance of the grant, an actual effort to raise or cultivate shell fish on the said grounds: *And provided further*, that no grant shall be made for more than fifteen acres or to any person not a bona fide resident of the county of Brunswick. Proviso.

SEC. 8. That any person who has entered or holds under the provisions of previous acts oyster grounds of an area of less than fifteen acres shall be only entitled under this act to a franchise in and to such an additional amount of territory as will make a total area in his possession [of] fifteen acres, and the board of shell fish commissioners shall in making their certificate to the secretary of state state the amount of ground held by the applicant under the said previous acts. Amount total for which franchises may be given.

SEC. 9. That in case of two or more applications being made for the same ground the person, if such there be, who has already made an actual effort to raise or cultivate shell fish on the said territory shall have a prior right to a grant of franchise; and in case no such effort has been made, then the person first making application for the territory shall be entitled to the grant. But owners of land fronting on water shall have the first right to a grant of any unimproved ground adjacent to their shores: *Provided*, they make selection of the same within a period of six months from the date of ratification of this act. When two or more applications are made for same ground.

SEC. 10. That all grants and franchise held under this or previous acts shall be taxed as real property, and shall be so considered in the settlement of the estates of deceased or insolvent persons. Such grounds shall be taxed.

SEC. 11. That any person who shall trespass upon or willfully commit any injury with any instrument or implement upon any private oyster grounds, the property of another, or who shall willfully remove, destroy or deface any stake, buoy or mark established by the board of shell fish commissioners in pursuance of this act or by private individuals for the purpose of defining any private oyster ground, or who shall work on any private or public oyster ground at night, shall be guilty of a misdemeanor, and shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days. But nothing in the provision of this or any act shall be construed as authorizing any interference with the capture of migratory fishes or free navigation or the right to use on any private ground any method or implement for the growing, cultivating or taking of shell fish. Persons trespassing on or committing injury to such grounds guilty of a misdemeanor.

SEC. 12. That any person who shall steal or feloniously take, catch or capture or carry away shell fish from the bed or ground of another shall be guilty of larceny, and shall be punished accordingly. Feloniously taking fish from grounds of another, larceny.

Investigation  
by commissioner  
when ground is  
illegally held.

SEC. 13. That any person believing that any oyster ground or territory is illegally held or appropriated by any individuals may make an application to the board of shell-fish commissioners for an investigation of the site of the holder or holders of the ground in question and for a new survey of the lot, and shall give the [them] due notice of the said application or to the opposing party or parties, and upon receipt of the said application and certificate of the serving of the notice the said board shall require both parties interested to each deposit a sum sufficient to defray the expenses of the survey, or give a good and sufficient bond in the sum of fifty dollars to secure said expenses; and upon the said deposit a bond having been made, shall proceed to make a new survey of the lot, and in case the stakes or marks defining the same shall be found to be erroneously placed or it shall be shown that any territory is illegally enclosed, then the said board shall have power to move and replace the stakes or other marks defining the lots so that they may accord with the correct survey.

Bond to be given.

Costs and ex-  
penses of action.

And in such case the costs and expenses attending the survey shall be defrayed by the owner of the lot; but should no error be found and no territory in excess of that conveyed by the grant to have been enclosed, then the costs and expenses shall be paid by the person making application for the survey: *Provided*, that an appeal from the decision of the said board may be taken to the next term of the superior court in the same manner and form as from judgments in a court of a justice of the peace.

Proviso.

Appeal may be  
taken.

Franchises  
granted shall be  
recorded.

SEC. 14. That all franchises granted under the provisions of this act shall be recorded in the office of the register of deeds of Brunswick county within four months of the date of issuance of the grants.

Record of meet-  
ings of commis-  
sioners.

SEC. 15. That the board of shell-fish commissioners shall keep in a suitable bound book a complete record of all their meetings and proceedings. The board shall meet upon the call of the chairman, and a majority shall constitute a quorum for the transaction of business.

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

Ratified the 7th day of March, A. D. 1899.

#### CHAPTER 577.

An act to provide for appointments of trustees for Plymouth Normal School.

*The General Assembly of North Carolina do enact:*

Power of state  
board of educa-  
tion to appoint  
trustees for

SECTION 1. That so much of chapter one hundred and nineteen of the public laws of eighteen hundred and ninety seven as empowers the state board of education to appoint trustees for the Colored Normal School at Plymouth be and is hereby repealed.

SEC. 2. That W. A. Alexander, Clarence Latham, W. H. Ward, James F. Yeager, Mathias Owens be and are hereby appointed trustees for said school, to hold office from and after the expiration of the term of the present board, for two years and until the qualification of their successors.

Colored Normal School of Plymouth abolished. Trustees appointed.

SEC. 3. That the board herein appointed shall meet in Plymouth as early as practicable after the expiration of the term of the present board and organize by electing a chairman and treasurer, and the treasurer shall be ex officio secretary of said board.

Meeting of board.

SEC. 4. That all vacancies occurring on said board shall be filled by the board of education of Washington county, together with the board of aldermen of the town of Plymouth, which shall sit together as one board and be presided over by the mayor of said town.

Vacancies, how filled.

SEC. 5. That the board of education of Washington county, together with the board of aldermen of the town of Plymouth, shall meet in Plymouth on the first Monday in April, nineteen hundred and one, or as soon thereafter as practicable, and biennially thereafter and elect a board of trustees for said school, which shall hold office for a term of two years.

Election of successors.

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

Ratified the 7th day of March, A. D. 1899.

#### CHAPTER 578.

An act to amend chapter sixty-eight of the public laws of eighteen hundred and ninety-seven, entitled an act regulating the probate and registration fees on crop liens.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter sixty-eight of the public laws of eighteen hundred and ninety-seven, entitled "An act regulating the probate and registration fees on crop liens" be and the same is hereby amended as follows, to wit:

Chapter 68, public laws of 1897, amended.

SEC. 2. Amend section two (2) of said act by inserting between the words "Chatham and Mecklenburg" the word "Brunswick."

Section 2 amended.

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

Conflicting laws repealed.

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

Ratified the 7th day of March, A. D. 1899

## CHAPTER 579.

An act to amend chapter three hundred and thirty-three of the public laws of eighteen hundred and ninety-seven.

*The General Assembly of North Carolina do enact:*

Chapter 333, public laws of 1897, amended.

SECTION 1. That chapter three hundred and thirty-three (333) of the public laws of eighteen hundred and ninety seven (1897) be and the same is hereby amended as follows, to wit:

Section 1 amended.

SEC. 2. That section one of said act be amended by striking out the word "November" in the fifth line of said section and inserting in lieu thereof the word "October."

Unlawful to take certain clams.

SEC. 3. That it shall be unlawful for any person to take clams for market from any of the waters of Brunswick county that will not measure as much as one inch in length on shell, and any person violating the provisions of this act may be punished by a fine not exceeding ten dollars.

SEC. 4. That this act shall go into effect from and after the first day of September, eighteen hundred and ninety-nine.

Ratified the 7th day of March, A. D. 1899.

## CHAPTER 580.

An act to amend chapter three hundred and ninety-five (395) of the public acts of eighteen hundred and ninety-seven (1897), to prohibit the manufacture and sale of liquor near certain churches in the state.

*The General Assembly of North Carolina do enact:*

Chapter 395, public acts of 1897, amended.

SECTION 1. That chapter three hundred and ninety-five (395) of the public acts of eighteen hundred and ninety-seven (1897) be and the same is hereby amended as follows, to wit: In section one (1) of said chapter, line one hundred and sixteen (116), it being line eighteen (18) on page five hundred and eighty two of the printed volume of the "public laws of North Carolina, session eighteen hundred and ninety seven," strike out the words "two miles" after the word "within" and before the word "of" and insert in their stead the words "one mile," and in line one hundred and seventeen (117) of said section before the words "New Horse" insert the following words: "Within two miles of," so that the part of said section hereby amended shall read as follows, to wit: "Polk county: Within one mile of Sandy Spring Baptist church, New Hope M. E. church, South; within two miles of New Horse public school house," etc.

Conflicting laws repealed.

SEC. 2. That all laws or parts 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 7th day of March, A. D. 1899.

CHAPTER 581.

An act to provide for the better working of the public roads and highways of the state.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the board of county commissioners in each of the several counties coming under the provisions of this act shall, in order to provide for the proper construction, improvement and maintenance of the public roads of the county at their regular meeting in June, eighteen hundred and ninety-nine, 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 five cents nor greater than twenty-five cents on the one hundred dollars worth of property and not less than fifteen cents nor greater than seventy five (75) 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 of the county, the purchase of such material, 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 out of this work and for the employment of such additional labor as may be deemed necessary: *Provided, however,* that the moneys raised under this section shall, as far as possible, be used for permanent improvements.

Commissioners of various counties authorized to levy special road tax.

Maximum road tax.

How collected.

Purchase of material, etc.

Proviso.

Moneys raised shall be used for permanent improvements  
Election of superintendent of roads.

Compensation of superintendent.

Proviso.

Superintendent may be removed.

Causes of removal.

SEC. 2. That there shall hereafter be elected by the board of county commissioners at their regular meeting in June, eighteen hundred and ninety-nine, and at their regular meeting in January of each and every year thereafter, a superintendent of roads, who shall be paid such compensation as may be fixed by the board of county commissioners, and to be paid out of the county road fund and who, after January, eighteen hundred and ninety-nine, shall hold office for one year or until his successor has been elected and qualified, as provided for in this act: *Provided,* that the said superintendent of roads may at any time be removed by the board of county commissioners after having been given ten days' notice and a hearing, when in the opinion of the board there exists good and sufficient cause for such action; and for malfeasance or misconduct in office he may be removed by them without further notice than may be necessary in order to give him a hearing. It shall be the duty of said superintendent of roads, subject to the approval of the board of county commissioners, to supervise, direct and have charge of the maintenance

Duties of superintendent.

and building of all public roads in the county, and he shall submit to the board of county commissioners 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 improvements, and he shall include in this quarterly report an inventory of the tools, implements, teams and other equipments on hand. Said road superintendent before entering upon the duties of his office shall deposit with the board of county commissioners a good and lawful bond, to be approved by the said board of commissioners, for the sum of two thousand (\$2,000) dollars as a guarantee of the faithful and honest 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 the 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 county commissioners or until the regular January meeting of said board and until his successor has been elected and qualified: *Provided*, that when in the opinion of the board of commissioners in any county coming under the provisions of this act not regularly employing a convict force on its public roads, the appointment of a road superintendent is inconsistent with the best interests of such county, the said board shall not be required to comply with the requirements of section two of this act, but may in lieu thereof appoint directly one supervisor of roads in each township, and each such supervisor in the township for which he is appointed shall perform the duties and assume the responsibilities in this act otherwise required of the county road superintendent; he shall be subject to dismissal under the same terms as laid down for the road superintendent; and he shall give a good and lawful bond, satisfactory to the board of commissioners, for not less than twice the amount of the road tax in his township for any one year, under the same conditions as laid down for said road superintendent, and he shall be paid such remuneration as may be agreed upon by the board of county commissioners.

SEC. 3. That the board of county commissioners or the road superintendent, subject to the approval of said board 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 the county to be known as township supervisor of roads who, acting under the road superintendent, shall supervise the road work in the township for which they are appointed or such parts thereof as said superintendent may direct. The said guards and township su-

Monthly report of superintendent

Quarterly reports

Inventory of implements.

Bond of superintendent.

Vacancies among superintendents.

Proviso.

Appointment of superintendent may be dispensed with.

Appointment of township supervisors.

Bond of supervisor.

Compensation of supervisor.

Appointment of guards.

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 superintendent and approved by the board of county commissioners, the guards to be paid out of the general county road fund and the township supervisors to be paid out of the respective township road funds.

Compensation of supervisor and guards.

SEC. 4. That all able bodied male persons of the county between the ages of twenty-one and forty five years, except residents of incorporated cities and towns, shall work on the public roads of said county for four days (of nine 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: *Provided*, that the said superintendent or the supervisor 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, eighteen hundred and ninety nine, and on or before the first day of April of each year thereafter to the county treasurer or road superintendent the sum of two dollars, and it shall be the duty of said treasurer or road superintendent upon receipt of said money or any part thereof, 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 the said road superintendent as provided for in this act shall within fifteen days after being received by him be turned over to the county treasurer and credited to the road fund of the township from which the same was paid, and the same shall be expended in the improvement of the roads in that township from which it was paid. If the road superintendent fails to turn over to the county treasurer money so collected within fifteen days he shall be guilty of a misdemeanor: *Provided*, that no person liable for road duty under this section shall be required to work on the public roads outside of the township and road district in which he resides, the boundaries of the road districts within each township to be fixed by the county commissioners.

Persons liable to road duty.

Proviso.

Notice shall be given to persons subject to road duty.

Proviso. When notice is not necessary.

Proviso.

Payment of certain amount in lieu of road work.

Moneys received by superintendent, how expended.

Failure of superintendent to turn over money a misdemeanor. Proviso. Persons not required to work out of their townships.

Persons notified and failing to appear for road duty guilty of a misdemeanor.

Penalty.

Implements for working roads shall be supplied by county.

Proviso.

List of persons liable to road duty to be furnished by township supervisors.

Treasurer of county shall check off names of persons liable to road duty and who have paid in lieu.

List of persons failing to work shall be made out.

Warrant shall be issued for persons failing to work.  
Proviso. Defaulting party may be prosecuted at any time.

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 (after having failed to pay the sum of two dollars), 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 thereof shall be fined not less than two nor more than five dollars or sentenced to work on the public roads of the county for not less than ten nor more than twenty days.

SEC. 6. That proper implements and tools for use in working the public roads of the county as provided in section four of this act may be supplied by the county road superintendent and shall be paid for out of the road fund of the townships in which the said implements or tools are to be used: *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 the county to provide themselves with such implements as are commonly used while working on said road as the superintendent or supervisor may designate in his notice or summons as being necessary.

SEC. 7. That on the first day of June, eighteen hundred and ninety-nine, and on the first day of April of each succeeding year, or oftener if required to do so by said superintendent of roads, the township supervisor of roads in each township of the county shall furnish through the county road superintendent to the treasurer of the county a complete list of the names of all persons liable for road duty in the township in which he resides. Said treasurer of the county 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 four of this act, and shall within fifteen days and as often thereafter as may be necessary furnish to the county road superintendent a correct revised list of all persons liable for road duty in each said township for the year. A list of such persons liable to road duty in each township who have during the 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 township supervisor to a justice of the peace in the township in which such persons reside, and it shall be the duty of said justice of the peace to immediately 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 under a final sentence of the court for crime or imprisonment for non payment of costs or fines or under final judgment in cases of bastardy, or under the vagrant acts, all insolvents who shall be imprisoned by any court in said county for non-payment of costs, 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 the county: *Provided*, that the commissioners of the county may arrange with the commissioners of any neighboring county or counties for such an exchange of prisoners during alternate months or years as will enable each such cooperating county to thereby increase the number of prisoners at work on its public roads at any given time. And upon application of the said road superintendent of the county or that of the chairman of the board of county commissioners, 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: all such convicts to be fed, clothed and otherwise cared for at the expense of the county: *Provided further*, that in case of serious physical disability, certified to by the county physician, persons convicted in said superior, criminal or inferior courts in the county may be sentenced to the penitentiary or to the county jail.

Persons confined in jail, and others who may be worked on road.

Exchange of prisoners by counties.

Proviso.

In case of physical disabilities, persons may be relieved from road work.

SEC. 9. That when the commissioners of any 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 that county, upon the application of the commissioners of said county to the judges of the superior and criminal courts presiding in adjoining counties or any other county or counties in the same or adjoining judicial districts which do not otherwise provide for the working of their own convicts on their own public roads, may sentence such able-bodied male prisoners as are described in section eight of this act from such adjoining counties or other counties in the same and adjoining judicial districts to work on the public roads of said county or counties applying for the same in the order of their application; and the cost of transporting, guarding and maintaining such prisoners as may be sent to any such county applying for the same, shall be paid by the county applying for and receiving them out of the road fund of each such county: *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 having received and used them.

Convicts may be used in certain cases from adjoining counties.

Proviso.

Prisoners may at any time be returned to county from which sentenced.

Roads and highways may be first surveyed.

SEC. 10. That the principal public roads or highways to be improved or constructed in accordance with the provisions of section one of this act prior to the inauguration of any such permanent improvements on the road or highway to be so improved or constructed may be first carefully surveyed and located by an engineer or surveyor 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 or highways where changed or hereafter located or relocated shall be given a grade nowhere greater than three feet in one hundred feet in counties situated in eastern North Carolina; five feet in one hundred feet for counties situated in middle or Piedmont North Carolina, and six feet in one hundred feet in counties situated in the mountain region of the state, 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 in sewer pipe or other forms of covered drains or culverts: *Provided* that where, in the opinion of an experienced and competent engineer, insurmountable obstructions make the grades just described impracticable, the grades may be increased to the extent of one foot in one hundred in either of the regions named in this section for distances of less than fifty feet in one place: *Provided further*, that where the roadway must be located on the steep slope of a mountain, its width shall not be less than sixteen feet between ditches, or where blasted out in hard rock the width of such roadway shall be not less than thirteen feet.

Roads shall be drained.

Proviso.

Width of road when located on steep mountain.

Condemnation of lands, etc.

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 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, clay 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 the 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

Drains and ditches, how conducted.

other person or persons under the penalty of forfeiting a sum of not less than five dollars nor exceeding ten dollars or imprisonment or work on the public roads of the county for not less than ten nor exceeding twenty days for each and every offense, said penalty to be collected by the said superintendent or supervisors if in money 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, gravel, sand or clay 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, gravel, sand or clay, it shall be the duty of said commissioners to pay for the same a fair price; and before deciding upon this they may cause to be appointed an impartial jury of three freeholders, one to be selected by the county road superintendent, one by the party claiming damages, and the third to be selected by these two, which jury shall report in writing to the board of commissioners their decision for revision or confirmation: *Provided*, that said land owner or his agent shall have the right of appeal as provided for in section thirteen of this act.

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 or surveyor, to locate, relocate or change any part of any public road where in his judgment such location, relocation 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 of three disinterested freeholders to be summoned by the sheriff or constable as provided by law, who shall give said land owners or their local representatives forty eight hours' notice of the time and place, when and where said jury will meet to assess damages; and said jury being duly sworn 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 sustained the jury shall so declare; and it shall report in writing its finding to the board of county commissioners for confirmation or revision: *Provided*, that if said land owner be a non resident of the county and have no local representative it shall be deemed sufficient service of such notice for said sheriff or constable to forward by United States mail a written notice of the purpose,

Obstruction of  
ditches by owner  
of land unlawful.

Commissioners  
shall pay for  
land condemned,  
etc.

Superintendent  
of roads empow-  
ered to locate,  
relocate, etc.,  
public roads.

Assessment of  
damages by jury.

Jury shall report  
finding.

Proviso.

time and place of such meeting of said jury to the last known post office address of such land owner seven days in advance of such meeting, and also to post a notice of the same for seven days at the court-house door of said county.

Land owner or representative may appeal.

SEC. 13. That in case the land owner or his local representative shall be dissatisfied with the finding of the juries provided for in sections eleven and twelve of this act and with the decision of the county commissioners such dissatisfied party may appeal from the decision of the county commissioners to the superior court of the county, all such appeals being governed by the law regulating appeals from the courts of justices of the peace, and the same shall be heard de novo; but the judge may in his discretion require said land owner to give bond when the case is taken by appeal to the superior court.

Officers or employees failing to make returns, etc guilty of a misdemeanor.

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, whether penalties for such failure are or are not prescribed in this act, be guilty of a misdemeanor.

County treasurer appointed treasurer of road fund.

SEC. 15. That the county treasurer shall be and he is hereby appointed treasurer of the road fund of the county and of the several townships in the same, and for the faithful keeping and disbursing of said money the bond of such treasurer shall be liable, and for his services in receiving and disbursing such fund he shall receive such a commission as the board of county commissioners may agree upon, not to exceed two per centum on all moneys disbursed hereunder. He shall pay the accounts against the road fund of the county and of the several townships when itemized statements of the same have been certified to by the county road superintendent and approved by the board of county commissioners.

Treasurer shall keep separate account of road fund.

SEC. 16. The county treasurer shall keep a separate account of the road fund of the county and of each of the several townships therein, and of his disbursements of the same, and he shall make a written report thereof to the board of county commissioners at their regular meetings on the first Monday in each month; and on the first Monday in July and January of each and every year he shall present to the said board of commissioners a written report, giving a statement of the disbursements from the several road funds during the preceding six months, which reports or the substance thereof shall be published by said commissioners in at least one newspaper published at the county-seat for at least one insertion.

Certain road funds to be turned over to treasurer of county.

SEC. 17. All road funds or securities in the hands of any officer of any county coming under the provisions of this act or of any

township thereof on the first Monday of June, eighteen hundred and ninety nine, shall be promptly turned over to the treasurer of the county and by him credited to the road funds of the county or of the township to which it belongs; and all teams, machinery, implements or other equipments belonging to said county or any one of the several townships in the same, held by or under the control of any officers or persons in said county or its townships, shall be by said officers or persons turned over to the county commissioners of such county on the first Monday in June, eighteen hundred and ninety nine, and by them be held and used on the public roads of the county or of the township owning the same:

*Provided*, that the board of commissioners in any county may order such road funds, securities, teams, implements or other road equipment accounted for and turned over as required above at any date prior to its regular meeting in June, and officers or persons refusing or neglecting so to do, after having been served with ten days' written notice shall be guilty of a misdemeanor.

Proviso.

Commissioners may order funds turned over prior to date of regular meeting.

SEC. 18. The board of commissioners in any county coming under the provisions of this act in which the tax for road purposes in the county or any ownship thereof at the time is not less than ten cents on the one hundred dollars worth of property may at its discretion at its regular meeting in January, nineteen hundred, or at any regular January meeting thereafter, reduce the number of days of labor required in any such county or township thereof for road purposes in section four of this act, such reduction not to exceed one day during any year, reducing also in each case the money to be paid in lieu of such labor at the rate of fifty cents for each day: *Provided*, that for each such reduction in the labor requirement the said board of commissioners shall at its regular meeting in June next following each such reduction, increase the tax levy for road purposes provided for in section one of this act by the amount of two and one-third cents on each one hundred dollars worth of property and seven cents on the poll.

Commissioners may reduce the number of days of labor.

Proviso.

Tax levy may be increased for reduction.

SEC. 19 The board of commissioners in any county coming under the provisions of this act in which the moneys expended for road improvement in the county or township thereof exceeds an amount equivalent to the tax levy of twelve cents on the one hundred dollars worth of property and thirty six cents on the poll may, at the discretion of said board, reduce the money requirement in lieu of the four days' labor on the roads provided for in section four of this act in such county or township thereof to one dollar for each year.

Money requirement for labor may be reduced.

SEC. 20. In any county coming under the provisions of this act which appropriates annually for road purposes moneys derived from the sale of bonds or from other taxes not less in amount

Minimum amount of moneys derived from road tax.

than the income from a tax levy of ten cents on the one hundred dollars worth of property in such county, the commissioners in said county shall not while continuing such appropriation be required to levy the special road tax provided for in section one of this act.

When petition is presented asking for additional special tax levy.

SEC. 21. When in any township in any county coming under the provisions of this act a petition is presented to the board of county commissioners, signed by a majority of the land owners of said township, asking that in that township an additional special tax be levied for road purposes, or when in any such township an election being held in accordance with the laws of this state and the majority of the votes cast at said election being in favor of such special tax, the county commissioners in such county shall at their next regular June meeting levy in such township such additional special road tax as they have been requested to levy by said petition or vote, said tax to be levied and collected as provided for other road taxes in section one of this act; and said taxes shall be added to the township road fund of the township in which it is paid and shall be used only on the roads in that township under the direction of the board of county commissioners or under the direction of the three township road commissioners named in said petition or vote, if such be named.

Said special tax to be added to road fund of said township.

Counties to which applicable.

SEC. 22. This act shall apply to the counties of Mecklenburg (excepting sections four, five, six and seven), Forsyth (excepting sections four five, six and seven), Alamance, Rockingham, Gaston, Orange (for Chapel Hill township only), Durham, New Hanover, Pender, Warren: *Provided*, that as applied to the counties of Durham, Mecklenburg, Forsyth, Alamance, Rockingham and Orange (for Chapel Hill township), Warren, the word "may" where it first occurs in section ten of this act be stricken out and the word "shall" inserted in lieu thereof.

Certain counties in which said act may become road law when adopted by commissioners.

SEC. 23. In the counties named below in this section this act may become the road law in each county or any township thereof when adopted as such by the board of county commissioners at any regular meeting, after being requested to do so by petition signed by three hundred (300) freeholders of the county or fifty (50) freeholders of the township; and when so adopted for any such county or township it shall be the road law for such county or township, and all other laws in conflict with this act as applied to such county or township shall be then and thereby repealed or suspended during such time as this law may remain in force: Alexander, Granville, Nash, Beaufort, Greene, Northampton, Bertie, Brunswick, Bladen, Caldwell, Catawba, Chatham, Cleveland, Currituck, Edgecombe, Franklin, Halifax, Hyde, Johnston, Jones, Lenoir, Lincoln, McDowell, Moore, Orange (excepting Chapel Hill township), Pamlico, Pasquotank, Perquim-

ans, Rowan, Richmond, Polk, Stanly, Swain, Vance, Washington, Yadkin, Wilson, Jackson, Tyrrell.

SEC. 24. In this act as applied to Durham county the services of the road superintendent as provided for in section two, and of the guards as provided for in section three of this act, shall be paid for out of the general county fund; and the moneys raised under section one of this act in each township shall be expended in the townships paying the same: *Provided*, that the road tax paid in the county by the building and loan associations, railroad, express, telegraph and telephone companies and like corporations shall be used for permanent road improvement in the county in such manner as the board of county commissioners may in its judgment deem best: *And provided further*, that in section four of this act, lines two and three, the clause, "except residents of incorporated towns and cities," shall read "except those who reside within the corporate limits of the town of Durham."

As applied to Durham county.

Proviso.

Certain funds to be used for permanent improvement.

Proviso.

SEC. 25. That in this act as applied to Pender county, C. P. More, A. B. Croom and F. P. Flinn, of said county, shall be and the same are hereby constituted a board of road commissioners for Pender county; vacancies in said board to be filled by the board of county commissioners; members of said road commission to be paid a sum not exceeding one dollar and fifty cents each per day while actually engaged in the necessary work of the commission for not more than three days during any one month; and the said road commission is hereby vested with all the duties, rights and powers (except that of levying taxes) otherwise in this act conferred upon the county commissioners; and the county commissioners shall levy such tax under section one of this act as may be recommended by the said road commission, when petitioned to do so by ten responsible freeholders from each of at least six townships in the county.

Provisions of act as applicable to Pender county.

SEC. 26. That in this act as applied to Chapel Hill township, in Orange county, G. E. Donnell, W. F. Cole and J. A. Holmes, of said township, shall be and the same are hereby constituted a special road commission for said township, which road commission, in carrying out the provisions of this act as applied to said township, is hereby vested with all the duties, rights and powers (except that of levying taxes) otherwise in this act conferred upon the county commissioners. The county commissioners, under section one of this act, shall levy such and only such road tax for Chapel Hill township within the limits prescribed in section one of this act as may be recommended by said board of road commissioners, and all moneys arising therefrom shall be kept separate by the county treasurer and shall be expended in Chapel Hill township; vacancies on said board of road commissioners shall be filled by the board of county commissioners, and its members

Provisions of act as applicable to Chapel Hill township, Orange county.

Tax levy shall be recommended by road commissioners.

Vacancies on board of road commissioners.

shall be paid out of the township road fund, not exceeding one dollar per day each, while actually engaged in the necessary work of the commission for not more than three days during any one month. Such moneys as may be paid in lieu of the labor in said township may be collected by the supervisor of roads elected by said road commission and deposited by him for road purposes in such manner and with such person and expended as may be designated by the said road commission of the township.

Money paid in lieu of labor.

Certain counties exempt from provisions of act.

SEC. 27. This act shall not apply to the following counties: Anson, Ashe, Alleghany, Burke, Cabarrus, Camden, Chowan, Cherokee, Craven, Carteret, Clay, Columbus, Cumberland, Dare, Davie, Duplin, Caswell, Graham, Gates, Guilford, Henderson, Harnett, Iredell, Macon, Montgomery, Martin, Madison, Mitchell, Onslow, Pitt, Person, Randolph, Robeson, Rutherford, Sampson, Surry, Transylvania, Wayne, Wilkes, Wake, Union, Watauga, Yancey, Scotland, Hertford, Davidson, Stokes, Haywood, Buncombe, Montgomery: *Provided*, that in any county or township not coming under the provisions of this act but otherwise providing funds for road improvement the commissioners of such county may at any regular meeting at their discretion adopt any of the sections (except section one levying a tax) of this act that in their judgment may be specially adapted to the needs of their county and incorporate the same in the road law of the said county.

Proviso.

Conflicting laws repealed.

SEC. 28. That all laws and parts of laws in conflict with this act are hereby repealed: *Provided*, that nothing in this act shall be understood or construed as in any way interfering with any existing system of township road work in any township already levying a township tax for road purposes in any county coming under the provisions of this act

SEC. 29. That this act shall be in force from and after its ratification.

Ratified the 7th day of March, A. D. 1899.

## CHAPTER 582.

An act to restore in full force and effect section three thousand three hundred and seventy-seven of The Code.

*The General Assembly of North Carolina do enact:*

Relating to taking diamond-back terrapin and destroying eggs.

SECTION 1. That all laws and clauses of laws, whether in public or private acts, passed since January first, eighteen hundred and eighty-four, by the general assembly of North Carolina, amending, altering or changing section three thousand three

hundred and seventy-seven of The Code of North Carolina, be and the same are hereby repealed, specifically named herein or not.

SEC. 2. That section three thousand three hundred and seventy-seven of The Code be and the same is hereby re enacted and declared to be in full force and effect with the dates April first and August first substituted in the place of April fifteenth and August fifteenth in said section. Section 3377 of The Code re-enacted.

SEC. 3. This act shall be in force from and after its ratification. Ratified the 7th day of March, A. D. 1899.

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CHAPTER 583.

An act for the relief of Robert A. McEachern, administrator of the estate of Hector McEachern, late sheriff of Robeson county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That Robert A. McEachern, administrator of the estate of Hector McEachern, late sheriff of Robeson county, be and is hereby authorized to collect all arrears of taxes due Hector McEachern for the years eighteen hundred and ninety-three and eighteen hundred and ninety-four, the years he was sheriff of said county. Administrator of late sheriff of Robeson county granted certain relief.

SEC. 2. That he, Robert A. McEachern administrator, his executors and administrators and those he may select to aid in such collection, shall have and are hereby invested with the same powers and authority and be subject to same penalties as sheriffs had for those years by the laws of this state. May select aid in collecting taxes.

SEC. 3. That all authority under this act shall cease by twelve o'clock on the night of the first Monday in January, nineteen hundred (1900). When authority granted by this act shall cease.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 7th day of March, A. D. 1899.

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CHAPTER 584.

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

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter two hundred and fifteen of the acts of eighteen hundred and eighty nine be and the same is hereby amended by striking out the word "and" in line one of section one of said act and inserting after the word "commissioners" and before the word "shall" in line two of said section one, "and the Relating to election of cotton weigher in certain towns in Union county.

board of commissioners or aldermen of the town of Monroe and the board of commissioners of the town of Waxhaw and Marshville respectively," and by striking out the words "Beaver Dam" in line four of said section and inserting in lieu thereof the word "Marshville."

Joint responsibility for amount of loss sustained.

SEC. 2. By striking out the words "Beaver Dam" in line four of section two of said act and inserting in lieu thereof the word "Marshville," and by striking out the words "by them" in line seven of said section two and inserting after the word "approved" the words "by the board of county commissioners; and the securities on the bond as made shall be jointly liable to any person for the full amount of any loss sustained by him on account of mistake, error or other cause of the weigher."

Cotton weigher may employ help.

SEC. 3. By striking out the word "ten" in line four of section three and inserting in lieu thereof the word "eight," and by adding at the end of said section three, "and for the amount so paid it shall be the duty of the said cotton weigher to employ and furnish sufficient help to assist in unloading from wagons or other vehicles any and all cotton hauled to his respective place of weighing in order to avoid delay in delivery of cotton, and the weigher shall immediately take charge of and weigh the same with his own assistants."

Vacancies occurring, how filled.

SEC. 4. By adding at the end of section four of said act, "that in event of a vacancy on account of a removal, death, prolonged sickness or otherwise, the board of county commissioners may and it shall be their duty to at once elect some competent person to fill such vacancy, and the person so elected shall before entering upon the discharge of his duties make the bond required by section two of said act, and in every particular he and his securities shall be liable as provided in said section two."

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict herewith are hereby repealed.

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

Ratified the 7th day of March, A. D. 1899.

#### CHAPTER 585.

An act to require persons desiring to pick deer tongue or whortleberries to obtain written consent of owner of land.

*The General Assembly of North Carolina do enact:*

Gathering deer tongue and whortleberries without consent of owner of land unlawful.

SECTION 1. That it shall be unlawful for any person or persons to gather deer tongue or whortleberries upon the lands of another without first obtaining written consent of the land owner.

SEC. 2. That any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction fined not less than five dollars (\$5) nor more than ten dollars (\$10) for each and every offense.

Violation of this act a misdemeanor.

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

Conflicting laws repealed.

SEC. 4. That this act shall apply only to Pender county.

Applicable only to Pender county.

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

Ratified the 7th day of March, A. D. 1899.

#### CHAPTER 586.

**An act to appoint E. S. Simmons a justice of the peace, and for other purposes, in the county of Beaufort.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That E. S. Simmons, of Washington township, Beaufort county, be and he is hereby appointed a justice of the peace for the term of six years, his term of office to begin upon the passage of this act and his acceptance and qualification.

Appointed justice of the peace.

SEC. 2. That section twenty-seven of The Code of North Carolina shall not be applicable to the said E. S. Simmons.

Section 26 of The Code not applicable.

SEC. 3. That the appointment of the said E. S. Simmons and his acceptance and qualification as a justice of the peace in and for said township and county shall in no wise affect his right to practice as an attorney at law in the various courts of Beaufort county, and the courts of the state, except in such cases as have been appealed from the courts of the justice of the peace over which he presided or took part.

Shall not affect right to practice law.

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

Ratified the 7th day of March, A. D. 1899.

#### CHAPTER 587.

**An act to incorporate The Moore's Creek Monumental Association.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That for the purpose of preserving the monument erected to the memory of the noble patriots who on the twenty-seventh day of February, seventeen hundred and seventy-six, at Moore's creek, now in Pender county, gave their lives to secure American liberty, Captain R. P. Paddison, George J. Moore, Aaron Calvin, E. A. Haws, James H. Calvin, James F. Moore, Dr. George F. Lucas, William F. Bell, Frank P. Flynn, James

Corporators.

Corporate name	E. Henry, Jacob K. James, Henry Murphy, James N. Henry, Dr. E. Porter, Gibson James, L. C. Powers, J. C. Nixon, Bruce Williams, W. W. Miller and D. H. Armstrong and their successors and such other persons as they may associate with them are hereby incorporated under the name and title of "The Moore's Creek Monumental Association," and by that name shall have succession and a common seal, and may sue and be sued, plead
Corporate powers and rights.	and be impleaded before any court of record in this state, contract and be contracted with, acquire, hold and dispose of real and personal property for the benefit of said association.
Object of association.	SEC. 2. The objects of the association is to add to and beautify the grounds on which the said monument is situated, which is now the property of the state; to compile the records of the patriotic deeds of those noble sons whose ashes have been neglected for more than a century, and to do such other things as tend to inspire among our people state and national pride and a higher appreciation of patriotic manhood.
May pass by laws.	SEC. 3. That said corporation shall have power to pass all necessary by-laws and regulations for its own government which may not be inconsistent with the laws of this state or the United States, and shall have police authority to protect said grounds and monument against despoilers.
Annual appropriation by the state.	SEC. 4. That in aid of the patriotic work of the association, the state of North Carolina appropriates one hundred dollars for each of the years eighteen hundred and ninety nine and nineteen hundred, and fifty dollars annually thereafter, to be expended by the association, which said sums shall be collected from the state treasurer upon the exhibit of proper vouchers of the association showing that said money has been applied to the purposes for which the association is incorporated: <i>Provided</i> , that none of the officers or members of this association shall be allowed a salary from any money appropriated by this act.
Proviso.	SEC. 5. This act shall be in force from and after its ratification. Ratified the 7th day of March, A. D. 1899.

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CHAPTER 588.

An act for the relief of James C. Wall, late sheriff of Stokes county.

*The General Assembly of North Carolina do enact:*

Commissioners of Stokes county authorized to investigate as to certain uncollected taxes.	SECTION 1. That the board of commissioners of Stokes county are hereby authorized, empowered and directed at their meeting on the first Monday of April, eighteen hundred and ninety nine, to investigate and ascertain how much of the county taxes for the years eighteen hundred and ninety one and eighteen hundred
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and ninety two, were not collected and were uncollectible. In making this investigation it shall be the duty of the commissioners to summon before them the persons who were commissioners during the years eighteen hundred and ninety-one and eighteen hundred and ninety two, and the person who was clerk to the commissioners during those years and examine them upon oath concerning the subject-matter of the investigation. And the commissioners are authorized to send for persons and papers in making this investigation.

SEC. 2. If the commissioners shall find that any portion of the taxes for eighteen hundred and ninety one and eighteen hundred and ninety-two were collectible and that James C. Wall, who was sheriff of Stokes county during those two years, failed to collect or account for the same, the commissioners shall charge the amount to the said James C. Wall.

Certain amounts to be charged to James C. Wall.

SEC. 3. That if the commissioners shall find that any of the taxes of eighteen hundred and ninety one and eighteen hundred and ninety two were insolvent and were uncollectible for this reason and the same have not been allowed to the said James C. Wall in any settlement heretofore made with him by the county, the amount of said insolvent taxes shall be allowed said Wall: *Provided, however,* that all expenses heretofore incurred by the county in litigation with said Wall because of his failure to settle the taxes of Stokes county, including court costs, lawyer's fees and other disbursements made by the county in this behalf, and all the expenses incurred in the investigation herein ordered, and the amount that may be found to be due under the first section of this act are deducted from the amount of the insolvent taxes found to be due the said Wall. Any amount found to be due said Wall shall be paid to him by the county.

Certain insolvent taxes to be allowed James C. Wall.

SEC. 4. If the amount due the said James C. Wall can not be agreed upon by the said commissioners and the said James C. Wall at the April meeting of the said board of commissioners, then the commissioners of said county shall select one arbitrator, and the said James C. Wall shall select one arbitrator, and those two shall agree, in case of necessity, upon a third, and these arbitrators shall ascertain what amount if any is due the said James C. Wall under the provisions of sections one, two and three of this act, and they shall report their award to the May meeting of the said board of commissioners; and their award shall be final, and it shall have the force and effect of a judgment of the court, and it may be docketed as a judgment on the judgment docket of the superior court of Stokes county. And the said board of commissioners shall issue an order upon the county treasurer to pay the said James C. Wall the amount ascertained to be due him, and the treasurer of the county of Stokes shall pay the

Selection of arbitrators if amount is not agreed upon.

Amounts due,  
how computed.

same. In computing the amounts due nothing shall be allowed the said James C. Wall as interest on his insolvent lists and he shall not be charged with interest on the attorney's fees nor interest on the expenses and disbursements made by the county of Stokes on account of any former litigation with him nor for losses of interest on the bonded debt by reason of delay in paying the said debt.

Secretary of state directed to send certified copy of act to commissioners of Stokes county.

SEC. 5. The secretary of state is directed to send a certified copy of this act immediately after its ratification to the chairman of the board of commissioners of Stokes county.

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

Ratified the 7th day of March, A. D. 1899.

#### CHAPTER 589.

An act to provide for repairing Pungo turnpike, in Washington county.

*The General Assembly of North Carolina do enact :*

Authorities of state prison directed to do certain work in Washington county.

SECTION 1. That the directors, executive board or other proper authorities of the state prison are hereby authorized and directed to furnish upon the demand of the board of commissioners of Washington county twenty five convicts for the purpose of repairing the Pungo turnpike in said county, to work thereon until the same is completed and put in good travelling condition, with necessary guard attendance and tools necessary for said labor.

County commissioners shall provide quarters, etc., for convicts.

SEC. 2. The county board of commissioners shall provide sufficient and comfortable quarters and accommodations for said convicts and provide food and defray all necessary expense for their health and support while engaged in said labor, including guard and transportation to and from the penitentiary, except clothing.

Commissioners shall notify authorities of preparation.

SEC. 3. That said commissioners shall notify said authorities after due preparation, and the said authorities shall as soon thereafter as practicable forward said convicts and guards.

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

Ratified the 7th day of March, A. D. 1899.

#### CHAPTER 590.

An act to provide an office for the commissioner of insurance.

*The General Assembly of North Carolina do enact :*

Assignment of office to insurance commissioner.

SECTION 1. That it shall be the duty of the board of public buildings to assign to the commissioner of insurance an office in the capitol, the agricultural building or in the supreme court building.

SEC. 2. Said office shall be provided with a safe and such furniture as may be necessary, and shall be fitted up in other respects as the offices of the heads of the other departments of state.

Certain provisions ordered for office.

SEC. 3. The salary of said commissioner shall be paid in the same manner as that of the officials of the other departments of state, and he shall be furnished with stationery, stamps and such other supplies as are provided by law for them.

Salary of commissioner, how paid.

SEC. 4. This act shall be in force from and after its ratification. Ratified the 7th day of March, A. D. 1899.

#### CHAPTER 591.

An act to supplement an act entitled "An act to amend chapter five hundred and forty-nine of the public laws of eighteen hundred and ninety-one, increasing the board of trustees of the Agricultural and Mechanical College for the Colored Race."

*The General Assembly of North Carolina do enact :*

SECTION 1. That the trustees provided for in chapter five hundred and forty nine of public laws of eighteen hundred and ninety one, together with those elected under an act entitled "An act to amend chapter five hundred and forty nine, public laws of eighteen hundred and ninety-one, increasing the board of trustees of the Agricultural and Mechanical College for the Colored Race at Greensboro," passed at this general assembly, shall meet in the college in Greensboro on Wednesday the twenty-second day of March, eighteen hundred and ninety-nine, and elect a chairman and executive committee of said board and discharge such other duties as they may see proper and which pertain to their office.

Meeting of trustees of A. and M. College at Greensboro authorized.

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

Ratified the 7th day of March, A. D. 1899.

#### CHAPTER 592.

An act to amend chapter two hundred and fifteen (215) of the public laws of eighteen hundred and ninety-three (1893).

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter two hundred and fifteen (215) of the public laws of eighteen hundred and ninety three (1893) be and the same is hereby amended by inserting between the words "contiguous" and "to" in line two (2) of section one (1) of said act the

An act in reference to fences in Beaufort and Pamlico counties.

words, "on opposite side of public road"; and further amended by adding at the end of section three (3) of the said act the words, "the commissioners are hereby empowered to construct and place gates across public roads when and where the said commissioners deem it necessary in the said territory."

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

Ratified the 7th day of March, A. D. 1899.

### CHAPTER 593.

#### An act to regulate the times of holding courts in the tenth judicial district.

*The General Assembly of North Carolina do enact :*

Dates of holding superior courts in tenth district designated.

SECTION 1. That the superior courts of the several counties in the tenth judicial district shall be held at the times hereinafter designated and shall continue for the terms hereinafter provided unless the business be sooner disposed of.

McDowell courts.

SEC. 2. That the terms of said courts of the several counties in the said district shall be held as follows: McDowell county superior court, on the fourteenth Monday after the first Monday in January, shall continue for two weeks unless the business be sooner disposed of. There shall be no grand jury summoned at said term of McDowell superior court, and there shall be tried only the civil business pending in the superior court. Mitchell

Mitchell courts.

county superior court, on the sixth Monday after the first Monday in January, shall continue for two weeks or until the business thereof is sooner disposed of. There shall be no grand jury summoned at said term, and there shall be tried only such civil

Catawba courts.

business as is pending. Catawba county superior court, on the eighth Monday after the first Monday in January, shall continue two weeks or until the business is sooner disposed of. Caldwell

Caldwell courts.

county superior court, on the tenth Monday after the first Monday in January, shall continue two weeks or until the business is sooner disposed of. Watauga county superior court, on the twelfth Monday after the first Monday in January, shall continue one week or until the business thereof is sooner disposed of. Ashe

Watauga courts.

Ashe courts.

county superior court, on the thirteenth Monday after the first Monday in January, shall continue two weeks or until the business thereof is sooner disposed of. Mitchell county superior court,

Mitchell county.

on the fifteenth Monday after the first Monday in January, shall continue two weeks or until the business thereof is sooner disposed of. Burke county superior court, on the seventeenth Mon-

Burke county.

day after the first Monday in January, for the trial of civil actions only, for which no grand jury is to be summoned and to continue two weeks or until the business thereof is sooner disposed of. Yancey county superior court, on the nineteenth Monday after the first Monday in January, shall continue two weeks or until the business thereof is sooner disposed of. McDowell county superior court, on the second Monday before the first Monday in August, shall continue two weeks for the trial of civil cases only. Catawba county superior court, on the first Monday in August, shall continue two weeks or until the business thereof is sooner disposed of. Caldwell county superior court, on the second Monday after the first Monday in August, shall continue two weeks or until the business thereof is sooner disposed of. Watauga county superior court, on the fourth Monday after the first Monday in August, shall continue two weeks or until the business thereof is sooner disposed of. Ashe county superior court, on the sixth Monday after the first Monday in August, shall continue two weeks or until the business thereof is sooner disposed of. Mitchell county superior court, on the eighth Monday after the first Monday in August, continue two weeks or until the business thereof is sooner disposed of. Yancey county superior court, on the tenth Monday after the first Monday in August, shall continue three weeks or until the business thereof is sooner disposed of. The first week of said term shall be devoted to the trial of criminal and civil business, and the second and third weeks shall be devoted to the trial of only civil cases, except if a trial of a criminal case is begun during the first week of said term it may be continued until such case is concluded. Burke county superior court, on the thirteenth Monday after the first Monday in August, for the trial of civil actions only for which no grand jury is to be summoned, shall continue two weeks or until the business thereof is sooner disposed of. Catawba county superior court, on the fifteenth Monday after the first Monday in August, continue two weeks or until the business thereof is sooner disposed of. There shall be no grand jury summoned at this term of the court, and there shall be tried all civil cases pending and only such criminal cases as the defendants are in jail or in custody.

SEC. 3. That all acts and clauses of acts regulating the times of holding the superior court in the tenth judicial district in conflict with this act be and the same are hereby repealed. Conflicting acts repealed.

SEC. 4. This act shall be in force from and after the first day of July, eighteen hundred and ninety-nine.

Ratified the 7th day of March, A. D. 1899.

Yancey county.

McDowell county.

Catawba county.

Caldwell county.

Watauga county.

Ashe county.

Mitchell county.

Yancey county.

Burke county.

Catawba county.

## CHAPTER 594.

An act to change the time of holding the courts in the ninth judicial district, and to amend an act entitled "An act establishing the western district criminal court."

*The General Assembly of North Carolina do enact :*

Counties composing ninth judicial district.

SECTION 1. That the ninth judicial district shall be composed of the following counties, to wit: Alleghany, Alexander, Davie, Forsyth, Rockingham, Stokes, Surry and Wilkes, and the courts thereof shall be held at the time hereafter designated and shall continue for the time hereinafter provided unless the business is sooner disposed of:

## SPRING TERM.

- Alexander. Alexander shall begin on the third Monday in February of each year and shall continue one week.
- Forsyth. Forsyth shall begin on the first Monday after the third Monday in February and continue one week.
- Rockingham. Rockingham shall begin the second Monday after the third Monday in February and continue two weeks.
- Wilkes. Wilkes shall commence the fourth (4th) Monday after the third Monday in February and continue one week.
- Alleghany. Alleghany shall begin the fifth (5th) Monday after the third Monday in February and continue one week.
- Surry. Surry shall begin the eighth (8th) Monday after the third Monday in February and continue two weeks.
- Davie. Davie shall begin the sixth (6th) Monday after the third Monday in February and continue two weeks.
- Stokes. Stokes shall begin the tenth (10th) Monday after the third Monday in February and continue two weeks.
- Forsyth. Forsyth shall begin the twelfth (12th) Monday after the third Monday in February and continue two weeks.
- Wilkes. Wilkes shall begin the fourteenth (14th) Monday after the third Monday in February and continue two weeks.

## FALL TERM.

- Alexander. Alexander shall begin the first Monday after the second Monday in August each year and continue one week.
- Rockingham. Rockingham shall begin the second Monday in August of each year and continue one week.
- Wilkes. Wilkes shall begin the second Monday after the second Monday in August and continue two weeks.
- Alleghany. Alleghany shall begin the fourth (4th) Monday after the second Monday in August and continue one week.
- Surry. Surry county shall commence on the seventh (7th) Monday after the second Monday in August and continue two weeks.

Stokes shall commence the fifth Monday after the second Monday in August and continue two weeks. Stokes.

Davie shall commence the ninth Monday after the second Monday in August and continue two weeks. Davie.

Forsyth shall commence the eleventh Monday after the second Monday in August and continue three weeks if necessary for the disposal of business. Forsyth.

Surry shall commence the fourteenth (14th) Monday after the second Monday in August and continue two weeks. Surry.

That the courts of Forsyth county specified in this bill shall be for the trial of civil causes only, except to hear appeals from justice of the peace or appeals from the criminal court. That no grand jury shall be summoned for these courts, and the commissioners shall summon not less than twelve or more than twenty-four petit jurors, and these jurors shall be summoned for the whole term. That the court in Surry held the fourteenth Monday after the second Monday in August shall be for the trial of civil causes only, there shall be no grand jury and a petit jury of not less than twelve or more than twenty four shall be summoned by the commissioners for the whole term of the court. That the term held for Wilkes county on the fourteenth Monday after the third Monday in February shall be for the trial of civil causes, except the trial of indictments when the defendants have been arrested and are in jail. There shall be no grand jury for this court, and the commissioners of Wilkes shall summons not less than twelve or more than twenty four petit jurors for the whole term. That the solicitor of the ninth judicial district shall not attend the courts of Forsyth or the civil term of Surry, nor receive any fee or compensation for such courts.

Courts in Forsyth for civil causes.

Certain court in Surry in which there shall be no grand jury, etc.

Certain court in Wilkes at which only persons in jail shall be tried.

Certain courts the solicitor shall not attend.

SEC. 2. That it shall be the duty of the clerk of the superior court of Forsyth to transfer and remove under proper certificates of the clerk all criminal causes and all proceedings of scire facias against defendants and witnesses summoned therein or their sureties pending in said superior court to the said criminal court, and the said superior court shall recognize as well the witnesses as defendants in the causes and proceedings aforesaid to appear at the next and first term of the criminal court in Forsyth county in the western district criminal court, and said criminal court shall have the same power and authority in regard to all cases thus returned from the superior court as the superior court had.

Clerk of superior court of Forsyth shall remove certain criminal causes, etc.

SEC. 3. That all justices of the peace of Forsyth county shall bind all cases that come before them to the next criminal court of Forsyth county and shall return all appeals taken before them to the said criminal court unless requested by the defendant appealing to return case to the superior court: *Provided*, justices

Certain indictments to be returned to criminal court by justices of the peace.

must explain to each defendant that he can appeal directly to the superior court.

Power of clerk of criminal court in Forsyth county to probate deeds, etc.

SEC. 4. That the clerk of the criminal court of Forsyth county in the western district criminal court shall have the same power and authority to probate deeds and other paper writings and conveyances in the same manner and to the same extent as now granted to the clerk of the superior court.

Act establishing western district criminal courts amended.

SEC. 5. That the act to establish the western district criminal courts, passed and ratified at this session of the general assembly, be and the same is hereby amended by striking out the words "Surry" or "Surry county" wherever they occur, and the said act shall not apply to the courts of Surry county and the Surry courts shall not be included in the western district criminal court, and the courts of Surry shall only be held and conducted as specified in this act.

Conflicting laws repealed.

SEC. 6. That this act shall go into effect, repealing all acts inconsistent with it, on and after the first day of July, eighteen hundred and ninety-nine.

Ratified the 7th day of March, A. D. 1899.

#### CHAPTER 595.

An act to amend chapter four hundred and fifty of the public laws of eighteen hundred and ninety-one.

*The General Assembly of North Carolina do enact:*

Section 1, chapter 450, public laws of 1891, amended.

SECTION 1. That section one of chapter four hundred and fifty of the laws of eighteen hundred and ninety one be and the same is hereby amended as follows: Strike out all after the word "contract" in the fifth line of said section down to and including the word "stevedores" in the seventh line of said section and insert in lieu thereof the following: "Nor shall any person or corporation solicit or make any contract for himself or itself or for any other person to load or unload any vessel or vessels, either by days' work or by the job"; and by striking out all after the word "occupations" in the eleventh line of said section down to and including the word "Code" in the fourteenth line of said section and inserting in lieu thereof the following: "Any person or corporation violating any of the provisions of this section shall be guilty of a misdemeanor and shall be fined or imprisoned, or both at the discretion of the court."

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

Ratified the 7th day of March, A. D. 1899.

## CHAPTER 596.

An act to provide for the burning of certain buildings in McDowell county, which are infected with small-pox germs.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the county commissioners of McDowell county are hereby authorized and empowered to contract with B. M. Craig and John Yancey, Jr., for a price to be paid for two certain houses in which there have recently been cases of small pox, and to burn said houses and pay the owners thereof the amount to be agreed upon between the said owners and the board of county commissioners.

Commissioners authorized to purchase houses in which there has been small-pox.

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

Ratified the 7th day of March, A. D. 1899.

## CHAPTER 597.

An act to declare a certain road a highway.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the road heretofore known as the "Hickory Nut Turnpike" road, in the counties of Rutherford and Henderson, be and the same is hereby declared a public highway; and that part of said road lying in Rutherford county shall be a public highway and shall be under the supervision of the authorities of said county having control of the highways therein, and that part of said road lying in the county of Henderson shall be under the management and control of the authorities of said county having charge of public highways therein, with the same powers, privileges, duties and penalties as are applicable to other highways in said counties.

"Hickory Nut Turnpike" declared a public highway.

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

Ratified the 7th day of March, A. D. 1899.

## CHAPTER 598.

An act to amend chapter four hundred and seventeen, public laws of eighteen hundred and ninety-one, relating to the establishing of the geological survey of the state.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter four hundred and seventeen of the public laws of eighteen hundred and ninety-one be and the same is hereby amended by inserting in section one, line six, after the

Chapter 417 public laws of 1891, amended.

word "timber" the words "and natural history," and in section three, the last two lines, amend so as to read, "shall be distributed according to the demand for the same."

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

Ratified the 7th day of March, A. D. 1899.

CHAPTER 599.

An act to amend section two hundred and thirty-one of the public laws of eighteen hundred and ninety-seven, being "An act to improve the roads in Union county by taxation," and for other purposes.

*The General Assembly of North Carolina do enact:*

Section 1, chapter 231, laws of 1897, amended.

SECTION 1. That section one of chapter two hundred and thirty-one of the laws of eighteen hundred and ninety-seven, entitled "An act to improve the roads in Union county by taxation," be amended by striking out of line four of said section the words and figures, "twenty-five (25)" and inserting in lieu thereof the words "thirty-three and one third," and by striking out of lines five and six the words and figures "seventy five (75) cents" and inserting in lieu thereof the words "one dollar."

Section 14, chapter 231, laws of 1897, amended.

SEC. 2. That section fourteen of said chapter two hundred and thirty-one of the laws of eighteen hundred and ninety-seven be amended by adding to the end of said section the words: "*Provided further,* that no person subject to road duty shall have the right to work out the amount of his road tax on the public roads of his township and receive a certificate therefor until he has first worked on the public roads of his township six days in each year under the general road law without compensation."

Section 20 amended.

SEC. 3. That section twenty of said act be stricken out and the following inserted in lieu thereof: "Sec. 20. That whenever the taxes levied and collected in Monroe township shall become exhausted so that the current expenses of working the 'chain gang' can not be promptly met and discharged without creating an indebtedness on said township, the county commissioners of said county, upon the application of the supervisors of any other township which shall have accumulated a sufficient amount from taxation to pay the expenses of working the chain gang for four months, may work the chain gang upon the roads of such township until the said funds of the township shall have been exhausted in payment of the expenses of the chain gang."

Chain gang may be transferred from one township to another when funds are exhausted.

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

Ratified the 7th day of March, A. D. 1899.

## CHAPTER 600.

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

SECTION 1. That chapter three hundred and eighty of the laws of eighteen hundred and eighty-nine be amended by adding two additional sections as follows:

Chapter 380,  
public laws of  
1889, amended.

SEC. 2. That whenever work or repairs shall be done on such canal and any of the parties owning lands liable to be assessed for such work or repairs shall fail or refuse to pay the amount assessed upon their lands, then and in that event the laborer or laborers performing such work shall have a lien upon such land to the extent of the amount assessed against the same by the corporation, and such lien may be enforced in the same manner as provided by the laws of this state for the enforcement of laborers' liens.

Parties liable to  
assessment for  
work on canal,  
refusing to pay.Laborers shall  
have lien.

SEC. 3. That whenever any person whose lands have been adjudged liable to contribute to the maintenance or repair of said canal shall fail or refuse to pay the amount assessed against his land for such maintenance or repair for thirty days after such payment has been demanded by the company, then and in that event the company may give such person notice in writing of its intention to cut off his right of drainage into said canal, and if such person shall still neglect and refuse to pay said assessment for thirty days after such notice, then the company may proceed to so obstruct and dam up the ditches of such delinquent as will effectually prevent his draining into said canal.

Persons liable  
and failing to pay  
share, drainage  
may be cut off.

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

Ratified the 7th day of March, A. D. 1899.

## CHAPTER 601.

**An act to provide for the filling of vacancies which may occur in the board of directors of the State's Prison of North Carolina.***The General Assembly of North Carolina do enact :*

SECTION 1. That whenever any vacancy shall occur in the board of directors of the State's Prison of North Carolina the same shall be filled by the remaining members of said board of directors.

Vacancies occur-  
ring in board of  
directors of  
State's Prison,  
how filled.

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

Conflicting laws  
repealed.

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

Ratified the 7th day of March, A. D. 1899.

## CHAPTER 602.

An act to establish a public ferry across Rocky river between the counties of Anson and Stanly.

*The General Assembly of North Carolina do enact:*

Establishment of public ferry authorized.

SECTION 1. That John A. Kendall and J. Ed. McSwain, of Anson county, and Julius Hathecock, of Stanly county, their heirs and assigns, are hereby authorized to establish, operate and maintain a public ferry across Rocky river, the dividing line between Anson county and Stanly county, one landing of said ferry to be located on the bank of said river on the lands of the said John A. Kendall, in Anson county, and the other landing to be nearly opposite said landing in Stanly county, said ferry to be located about half way between the Louder ferry and the Crump ferry on said river.

Condemnation of land necessary.

SEC. 2. That if the owners of said ferry shall be unable to obtain the consent of the owner or person in possession of the lands upon which the landings of said ferry are situate to the construction of said landings the owners of said ferry may file a petition before the county commissioners of the county wherein the land lies for the condemnation of said landing. Upon the filing of said petition it shall be the duty of the commissioners to appoint five disinterested freeholders as commissioners to locate said landings, who shall, after being summoned by and sworn by the sheriff, meet on the premises after having given the owner or owners five days' notice, and the said commissioners shall locate and proceed to condemn so much of said lands to the use of the ferry as may be necessary for said landing or landings, and shall fix the valuation thereof, and the said landing or landings shall thereupon be constructed upon the lands so condemned, and said condemned lands shall be a part of the public road which now leads or which may hereafter be constructed to said points and subject to all the laws respecting public roads: *Provided*, that the owners of the said ferry shall be liable for and shall pay the damages assessed upon the condemnation of said land by said commissioners before using said lands: *And provided further*, that the owner or owners of said land so condemned shall have the right of appeal to the superior court of the county wherein the land lies, upon the question of damages, but such appeal shall not hinder nor prevent the immediate construction of said landing or landings and the operation of said ferry if the owners of said ferry shall execute a justified bond in double the amount assessed as damages, conditioned to pay all such damages as may be recovered on appeal.

Valuation of condemned land, how fixed.

Proviso.

Owner of ferry shall pay damages to land.

Proviso.

Owner of land may appeal.

SEC. 3. That the grant of franchise and privilege herein made and given shall be to the said John A. Kendall, J. Ed. McSwain and Julius Hathcock for the period of thirty years, with the rights reserved to the general assembly to revoke or annul the same for proper cause.

Duration of franchise.

SEC. 4. That the county commissioners of Stanly county and the county commissioners of Anson county shall take all necessary steps according to the statute regulating ferries as to the establishment of highways and public roads leading to said ferry to carry out the object and intent of this act with its full meaning and scope.

Regulation of said ferry.

SEC. 5. That the rates or tolls charged at said ferry shall be regulated by the county commissioners of Anson county and the county commissioners of Stanly county.

Rates or tolls, how regulated.

SEC. 6. This act shall take effect from and after its ratification. Ratified the 7th day of March, A. D. 1899.

#### CHAPTER 603.

An act to protect Sunday schools and churches in Haywood county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any person or persons to be in the possession of or under the influence of any intoxicating drink, or drink any malt liquors within three hundred yards of any Sunday school or other religious services in Haywood county.

Unlawful to be in possession of or under influence of intoxicating drinks in certain part of Haywood county.

SEC. 2. That any one violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction fined not less than five dollars nor more than fifty dollars or imprisonment not more than thirty days.

Violation of this act a misdemeanor.

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

Ratified the 7th day of March, A. D. 1899.

#### CHAPTER 604.

An act giving the clerk of the western district criminal court for Madison county power to probate deeds and other instruments.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the clerk of the western district criminal court of Madison county is hereby given power and authority to probate and order the registration of all deeds and other convey-

Clerk of western district criminal court in Madison county empow-

ered to probate  
certain instru-  
ments.

ance, contracts or other instruments in as full and ample manner as the clerk of the superior court now has.

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

Ratified the 7th day of March, A. D. 1899.

#### CHAPTER 605.

**An act to include in one bill the names of all the ex-Confederate soldiers entitled to pensions, as reported by the committee on pensions and Soldiers Home.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the names of the following ex-Confederate soldiers and widows of ex-Confederate soldiers be placed on the pension rolls of the state, and that the state auditor be and he is hereby authorized and instructed to draw his warrants on the treasurer of the state in favor of and for the amount due each soldier and widow for the class in which they are hereby enrolled, and that he forward said warrants at the same time and in the same manner in which pension warrants are usually sent out:

Alamance county—Joseph B. Thompson, second class.

Alexander county—D. M. Baker, second class; James Snow, Wilson Bowman, Alfred Bungardner, fourth class.

Alleghany county—William Bell, Calvin Austin, Jacob C. Roup, Jesse Atwood, third class; John L. Pugh, Fannie Callo way, Ellen Moxley, S. Parish, fourth class.

Ashe county—James Pollard, third class.

Beaufort county—Henry Cutler, John L. Harriss, fourth class.

Bertie county—W. G. Collins, Charles T. Jenkins, second class; Jacob Barnes, W. H. Bazemore, fourth class.

Bladen county—McK. Kulbreth, fourth class.

Brunswick county—Joseph Simmons, fourth class.

Buncombe county—Andrew Fletcher, Thomas D. Neall, second class; A. G. Young, Joseph Harrowood, A. W. Teezle, W. H. McKee, John B. Weathers, fourth class.

Burke county—W. P. Dole, Adeline Whisnant, fourth class.

Caldwell county—Thomas Livingston, second class; James G. Melton, Elvira Downs, fourth class.

Carteret county—Henry Sloan, Perham P. Mann, Estrella C. Mercer, fourth class.

Caswell county—Arch W. Jeffrey, second class; A. G. Stanley, James C. Rudd, third class; William Stanley, fourth class.

Catawba county—J. A. Kennedy, fourth class.

Certain ex-Con-  
federate soldiers  
and widows of  
soldiers ordered  
placed on pensio  
list.

Chatham county—T. B. Lassiter, J. F. Cook, third class; E. M. Neal, fourth class.

Cherokee county—John B. Stiles, Samuel Bryson, James N. Whitaker, W. Julius Martin, J. W. Britton, fourth class.

Certain ex-Confederate soldiers and widows of soldiers ordered placed on pension list.

Chowan county—Jacob D. Bynum, second class.

Clay county—G. W. Mace, third class; Joseph P. Davenport, J. G. Davenport, fourth class.

Cleveland county—J. H. Beam, second class; W. R. Sheppard, N. R. Shuford, Jack Cornwall, third class; W. R. Hardin, W. H. Eskridge, fourth class.

Columbus county—Mrs. Mahala Hodges, fourth class; Lewis Malpass, William Campbell, third class; Bradley F. Yates, D. J. Jolly, J. B. Blake, fourth class.

Cumberland county—Levi Mason, second class; E. M. Waddell, James H. Walker, third class; James Calder, fourth class.

Davie county—William King, Thomas Champers, fourth class.

Duplin county—Everett Dickson, third class; Mike Byrd, Zack Smith, S. W. Stallings, Allen King, fourth class.

Durham county—Durell Garrard, second class.

Edgecombe county—Henry Dougherty, second class; R. H. Womack, third class; James T. Hyde, fourth class.

Forsyth county—Green Newsome, second class; McD. Lancaster, Jesse Stegall, James H. Cox, third class; Mrs. William Holder, fourth class.

Franklin county—S. H. Edwards, fourth class.

Gaston county—John F. Dixon, A. M. Anthony, fourth class.

Gates county—T. A. Brown, fourth class.

Graham county—N. G. Phillips, J. J. Hollifield, fourth class.

Granville county—Thomas B. Frazier, third class; R. O. Smith, N. H. Duke, James W. Breedlove, fourth class.

Guilford county—John Tatum, M. F. York, third class; Daniel Garrett, Henry B. Carter, Mrs. C. A. Shultz, fourth class.

Halifax county—J. E. Hux, W. P. Puller, J. L. Arrington, George Kester, James House, third class; W. H. Pittman, J. E. Mabry, fourth class.

Harnett county—John Wister, third class; James Sanderford, fourth class.

Haywood county—A. J. Holcomb, third class; Joseph Posten, William Freeman, fourth class.

Henderson county—Williamson Garren, third class; P. B. Justice, A. C. Justice, Harriett Connor, fourth class.

Hertford county—G. W. Grimes, third class; John E. Jones, William H. Chitry, Joseph Bradley, W. T. Taylor, Eliza H. Lyon, fourth class.

Hyde county—J. B. Watson, fourth class.

Iredell county—T. A. White, second class.

Certain ex-Confederate soldiers and widows of soldiers ordered placed on pension list.

Jackson county—Joseph Crawford, second class; E. P. Young, third class; Logan Bumgarner, J. L. Tatham, Eliza Coward, David L. Shelton, J. W. Shelton, Eli Fulbright, A. W. Bryson, fourth class.

Jones county—W. L. Jones, third class.

Johnston county—C. H. Benson, fourth class.

Lenoir county—L. F. Malpass, W. H. Wiggins, third class; D. J. Long, fourth class; S. B. West, second class.

Lincoln county—J. M. Mauney, F. M. Hester, A. J. House, third class; William Martin, W. H. Coleman, Jacob Dellinger, W. M. Reinhardt, Mrs. Frances Senter, fourth class.

Macon county—Milton Rhodes, fourth class.

Madison county—James Chandler, second class; John Griffin, A. R. Ball, W. B. Murray, Silas Jervis, A. W. Ingle, third class; L. P. Anders, H. C. Metcalf, William Callaban, Hiram Phillips, W. P. Pendley, C. C. Tipton, Mrs. Polly Gentry, fourth class.

Martin county—McG. L. Cherry, second class.

McDowell county—J. M. Clay, second class; J. L. Walsh, third class; James M. Young, J. H. Garrison, fourth class.

Mecklenburg county—Joseph C. Walker, third class.

Mitchell county—John H. Flemming, Peter Grimestaff, Israel Tunes, third class; Berry Stewart, Thomas F. Wise, T. F. Randolph, J. C. Howell, William Slagle, Frank Banner, fourth class.

Moore county—Henry C. Cagle, Sarah Kelly, fourth class.

Northampton county—Thomas Dukes, George T. Jernigan, third class; G. W. Stevenson, Daniel Balance, fourth class.

Onslow county—Cephus Fisher, William Oliver, third class; William Sanders, Miles Padgett, Amos Jones, fourth class.

Orange county—John Mincey, John Bishop, second class.

Pamlico county—John Simpson, second class.

Pasquotank county—G. C. Howard, third class.

Person county—H. H. Nichols, fourth class.

Pitt county—John S. Cannon, fourth class; H. V. Houston, third class.

Richmond county—R. W. Chandler, Evander A. McDonald, Bela Harriss, Jesse H. Thrower, Solomon McLean, Martin C. Chappell, Sanders M. Ingram, fourth class.

Rockingham county—Edward Rumley, Thompson G. Roberts, third class; W. J. Corum, R. J. Holderly, fourth class.

Rowan county—Jesse Miller, third class; W. L. Parker, James A. Lisk, fourth class.

Rutherford county—John H. Bradley, James D. Davis, third class; John M. Gillespie, fourth class.

Sampson county—J. T. Gregory, second class; Milton Register, Mrs. Matilda McLemore, fourth class.

Stanly county—A. W. Sanders, third class.

Stokes county—Lee Gibson, Martin L. Tuttle, third class; William Bernett, J. W. Newsome, Robert R. Berge, Mrs. Mary A. Terrell, Mason T. Mitchell, fourth class.

Certain ex-Confederate soldiers and widows of soldiers ordered placed on pension list.

Surry county—Edmon Bullin, James E. Hooker, G. W. Lawrence, T. J. Blackburn, third class; Demps Wood, James Shelton, Oliver Stanly, Mrs. Mary White, fourth class.

Swain county—D. G. Fisher, S. B. Gibson, second class; L. D. Morgan, Jerry Nation, Nancy Mashburn, H. P. Brendle and Albert Mashburn and T. W. Wikle, fourth class.

Scotland county—F. K. Poole, fourth class.

Transylvania county—J. J. Brown, fourth class.

Tyrrell county—W. G. Elliott, fourth class.

Union county—A. E. Gordon, fourth class.

Vance county—John Smith, second class.

Wake county—Wiley Carroll, second class; J. R. O'Neill, third class; F. M. Ferrell, John G. Dickerson, T. N. Bryant, L. W. Honeycutt, J. J. Beasley, N. T. Scott, fourth class.

Warren county—H. J. Marshall, fourth class.

Washington county—William J. Barnes, third class.

Watauga county—A. M. Johnson, William Hodges, fourth class.

Wayne county—Robin Hinson, fourth class.

Wilkes county—P. A. Foster, John Watts, J. A. Billings, John Selden, Philip Walsh, Jacob Eller, fourth class.

Yadkin county—H. T. Felts, fourth class.

Yancey county—S. J. Wilson, William Robinson, James E. McCandless, second class; Samuel McPeeters, J. R. Hall, third class; Julius Robinson, J. P. Horton, Nathan H. Allison, Thomas Thomas, S. D. Howell, Samuel English, Isaac A. Adkins, Benjamin Proffett, fourth class.

SEC. 2. That there is hereby appropriated from the public fund for the support and maintenance of the Soldiers Home the sum of ten thousand dollars (\$10,000), to be paid during the year eighteen hundred and ninety-nine, and annually thereafter by the treasurer of the state on the warrant of the auditor, and the acceptance of such sum by the management of the Soldiers Home shall impose an obligation on said management to make to the general assembly through the governor an annual itemized report of the purposes for which it may be disbursed.

Appropriation to Soldiers Home.

SEC. 3. That after the first day of July, eighteen hundred and ninety nine, any soldier who may be or may become an inmate of the Soldiers Home and receive its benefits shall not be eligible to the general pension roll of the state for the fiscal year during which he may have been for any length of time an inmate or beneficiary of the home.

Persons received as inmates of Soldiers Home not eligible to be placed on general pension roll.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this act, including the law carrying an annual appropriation of eight thousand and five hundred dollars, are hereby repealed.

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

Ratified the 7th day of March, A. D. 1899.

CHAPTER 606.

An act to authorize the county commissioners of Orange county to issue bonds to pay the floating debt of said county, and to levy a special tax to pay the interest thereon, and to provide a sinking fund to pay said bonds.

*The General Assembly of North Carolina do enact :*

Commissioners of Orange county authorized to issue bonds.

SECTION 1. That in order to pay off and liquidate the outstanding floating indebtedness of Orange county the county commissioners of said county of Orange are hereby authorized and empowered at their regular meeting in June, eighteen hundred and ninety-nine, to issue bonds bearing interest at a rate not greater than the rate of six per centum per annum in amounts not exceeding five thousand dollars.

Rate of interest.

Denomination of bonds.

SEC. 2. That said bonds shall be of such denominations as the said board of county commissioners may determine, not exceeding five hundred dollars each, and each and every bond shall have coupons attached representing the interest of said bonds, which said coupons shall be due and payable on the first day of January and July of each year until the bonds shall become due. The bonds so issued shall each be numbered consecutively and the coupons shall bear the number corresponding to the bonds to which they are attached, and shall declare the amount of interest they represent and when the interest is due, and shall be receivable in payment of all county taxes.

Coupons, when due and payable.

Bonds, how issued.

SEC. 3. The said bonds shall be issued under the signature of the chairman of the board of county commissioners of Orange county and shall be attested by the register of deeds, under the official seal of the board of county commissioners of said county.

Disposition of bonds.

SEC. 4. The chairman of the board of commissioners of said county shall, under the direction of said board of commissioners, dispose of said bonds at a sum not less than their par value.

Date of bonds and maturity.

SEC. 5. That said bonds shall be dated as if [of] the first day of July, eighteen hundred and ninety-nine, and shall be due and payable within ten years from and after said date.

SEC. 6. That one thousand dollars of said bonds shall be due and payable three years after date of issue and one thousand dollars shall become due and payable on the first day of July each succeeding year thereafter until all of said bonds 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.

Bonds, when and in what part payable.

SEC. 7. That it shall be lawful for any executor, administrator, guardian, trustee or receiver to invest the trust funds in his hands in said bonds.

Executors, administrators, etc., may invest in said bonds.

SEC. 8. That the board of county commissioners of Orange 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 years after such levy, together with the cost and charge 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 equation between property and the poll: *Provided*, such levy shall in no year exceed fifteen cents on the one hundred dollars worth of property and forty-five cents on each taxable poll.

Commissioners authorized to levy special tax to redeem said bonds.

SEC. 9. 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 thereon as the same shall become due and payable, and the fund arising from said fund shall be used for no other purpose.

Said special tax, how collected.

SEC. 10. 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 bonds purchased. They shall also cause to be kept a record of the bonds redeemed annually, and the said bonds when redeemed and recovered shall be destroyed by fire by the board of commissioners of said county or by their clerk under direction of the board and in their presence.

Record of purchasers of bonds shall be made.

SEC. 11. This act shall be in force from and after its ratification. Ratified the 7th day of March, A. D. 1899.

## CHAPTER 607.

An act to authorize and direct the issuing of state bonds to pay off the debts of the State's Prison, and for other purposes.

Preamble.

WHEREAS, there are now outstanding and unpaid divers liabilities of the state of North Carolina arising out of the conduct and management of the State's Prison; and

Preamble continued.

WHEREAS, the state has options of purchase on certain lands constituting the state or penitentiary farms, which said options expire during the year eighteen hundred and ninety-nine or the first of January, nineteen hundred;

*The General Assembly of North Carolina do enact :*

State treasurer authorized and directed to issue bonds.

SECTION 1. That for the purpose of paying off the indebtedness of the state of North Carolina arising out of the conduct and management of the State's Prison, the state treasurer is hereby authorized and directed to issue bonds of the state of North Carolina, payable ten years after the first day of January, eighteen hundred and ninety-nine, to the amount of one hundred and ten thousand dollars, which shall express upon their face the purpose of their issue.

Amount of bonds.

Bonds ordered issued for purpose of purchasing farms.

SEC. 2. That for the purpose of raising a fund to purchase such of the state or penitentiary farms now leased by the state with options to purchase as the board of directors of the State's Prison of North Carolina or its executive board may decide to purchase, the said state treasurer is hereby authorized and directed to issue bonds of the state of North Carolina, payable ten years after the first day of January, eighteen hundred and ninety-nine, to the amount of ninety-five thousand dollars, which bonds shall express upon their face the purpose of their issue: *Provided*, that the income arising from the cultivation of said state or penitentiary farms or any of them which may be purchased as aforesaid or so much thereof as may be necessary shall be first applied to the payment of the interest coupons as they may become due on the bonds issued under the provisions of this section.

Proviso.

Income arising from farms, how applied.

Rate of interest of bonds.

SEC. 3. That all said bonds shall bear interest at the rate of four per centum per annum from the first day of January, eighteen hundred and ninety-nine, until paid, which said interest shall be payable semi annually on the first days of January and July of each and every year so long as any portion of the principal or interest shall remain due and unpaid.

Coupon bonds.

SEC. 4. That the bonds authorized and directed to be issued by the preceding sections shall be coupon bonds of the denominations of one hundred, five hundred and one thousand dollars each, as may be determined by said state treasurer, and shall be

Denomination of bonds.

signed by the governor and state treasurer, and shall be sealed with the great seal of the state. The coupons thereon may be signed by the state treasurer alone or may have a facsimile of his signature printed, engraved or lithographed thereon, and the said bonds shall in all other respects be in such form as the said state treasurer may direct; and the coupons thereon shall after maturity be receivable in payment of all taxes, debts, dues licenses, fines and demands due the state of North Carolina of any kind whatsoever, which shall be expressed on the face of said coupons. The bonds above provided for shall be issued on the request in writing of the executive board of the State's Prison of North Carolina, composed of E. L. Travis, W. H. Osborn and W. C. Newland, or their successors, and not otherwise.

Coupons, how signed.

Coupons receivable in payment of taxes.

SEC. 5. That the said state treasurer shall upon the request of the executive board in writing as aforesaid advertise for thirty days in such manner as he shall deem advisable that the bonds set out in the first section of this act are to be issued and that he will receive bids for the same at a price not less than one hundred and four cents on the dollar; and immediately upon the acceptance by him of any bid or bids he shall issue said bond or bonds for which the bid or bids may be accepted to the purchaser or purchasers thereof on payment of the purchase money, and shall hold the funds arising from the sale of said bond or bonds as a separate and distinct fund for the payment of the aforesaid indebtedness of the State's Prison. Said fund shall be paid out by the said state treasurer only upon the warrant of Edward L. Travis, W. H. Osborn and W. C. Newland, constituting the executive board of the board of directors of the said State's Prison of North Carolina, or their successors, who are to audit and pass upon all claims and accounts against said State's Prison.

Treasurer shall advertise before issuing bonds.

Acceptance of bids by treasurer.

On whose warrant fund shall be paid.

SEC. 6. The executive board of the State's Prison, composed of E. L. Travis, W. H. Osborn and W. C. Newland, or their successors, are hereby authorized and empowered to buy such of the farms upon which the state now holds options as they may deem best, and as soon as said board shall notify the said state treasurer that said board has decided to purchase all or any of the said state or penitentiary farms, together with the amount necessary to pay for the same, the said state treasurer shall immediately advertise for bids for a sufficiency of the bonds set out in section two of this act to make said intended purchase or purchases. Said state treasurer shall advertise for such bids for thirty days in such manner as he shall deem advisable at a price not less than one hundred and four cents on the dollar; and immediately upon the acceptance by him of any bid or bids he shall issue said bond or bonds for which the bid or bids may be accepted to the purchaser or purchasers thereof on payment of the purchase-

Executive board empowered to buy farms.

Treasurer shall advertise for bids for bonds.

Issuance of bonds to purchaser.

money, and shall hold the funds arising from such sale of said bond or bonds as a separate and distinct fund for the payment of the purchase money for said state or penitentiary farm or farms. Said fund shall be paid out by the said state treasurer only upon the warrant of said Edward L. Travis, W. H. Osborn and W. C. Newland, constituting the executive board of the board of directors of the said State's Prison of North Carolina, or their successors.

On whose warrant said fund shall be paid out.

Record of sale of bonds shall be made.

SEC. 7. That the said state treasurer before delivering any of said bonds shall record in a well-bound book an accurate account and descriptive list of the said bonds, which shall embrace the date, amount and number thereof and the name of the person to whom issued.

Separate account of moneys thus received shall be kept.

SEC. 8. That the said state treasurer shall keep a separate account of all moneys received and disbursed under the provisions of this act, and include the same in his regular annual report.

Bonds, to whom payable.

SEC. 9. That the said bonds and coupons may be made payable to bearer at the option of the purchaser or purchasers, and they shall be exempt from all taxation whatsoever, state, county and municipal, general and special, and the same shall be expressed on the face thereof.

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

Ratified the 7th day of March, A. D. 1899.

## CHAPTER 608.

### An act to prevent public drunkenness.

*The General Assembly of North Carolina do enact :*

Drunkenness on public highways or at public meetings a misdemeanor.

SECTION 1. That any person who shall be found drunk on the public highway or at any public meeting or in any public place shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Applicable only to certain counties.

SEC. 2. This act shall apply only to the counties of Rutherford, Gaston, Mecklenburg, Haywood and Cleveland.

SEC. 3. This act shall be in force from and after its ratification. Ratified the 7th day of March, A. D. 1899.

## CHAPTER 609.

**An act to increase the number of commissioners for Mecklenburg county.***The General Assembly of North Carolina do enact :*

SECTION 1. That there shall be elected in the county of Mecklenburg, at the general election to be held in the year nineteen hundred and every two years thereafter by the duly qualified electors thereof, five persons to be chosen by the body of the county, who shall be styled the board of commissioners for the county of Mecklenburg.

Five commis-  
sioners to be  
elected.

SEC. 2. That this act shall apply only to the county of Mecklenburg, and all laws and parts of laws inconsistent with this act are hereby repealed.

Applicable only  
to Mecklenburg  
county.

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

Ratified the 7th day of March, A. D. 1899.

## CHAPTER 610.

**An act to provide waterworks and sewerage at the University of North Carolina.***The General Assembly of North Carolina do enact :*

SECTION 1. There is hereby appropriated out of any moneys in the treasury not otherwise appropriated the sum of seven thousand five hundred dollars for the purpose of providing waterworks and sewerage at the University of North Carolina.

Appropriation to  
provide water-  
works for Uni-  
versity of North  
Carolina.

SEC. 2. That an itemized statement of the expenditures under this act be furnished to the next general assembly.

Itemized state-  
ment ordered  
furnished.

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

Ratified the 7th day of March, A. D. 1899.

## CHAPTER 611.

**An act to amend chapter two hundred and forty-nine of public laws of eighteen hundred and ninety-seven.***The General Assembly of North Carolina do enact :*

SECTION 1. That section one of chapter two hundred and forty-nine of the public laws of eighteen hundred and ninety-seven be amended by inserting in line seven after the word "than" and before the words "the constitutional" in line nine of said section, and a substitution for what is between them the following: "Ten cents on the one hundred dollars worth of property and thirty cents on the poll."

Relating to  
working of public  
roads in Hay-  
wood county.

Maximum amount superintendent of roads may expend.

SEC. 2. That for the purpose of restricting and limiting the expenditure of the road money in said section one of said act by the superintendent of roads of said county the following is hereby added to the end of the second section of said act and made part of the same, that is to say, "the said superintendent of roads of said county shall not expend on the roads or otherwise more money in any one year than the amount levied or set apart by the commissioners as a road fund for that particular year. That the superintendent shall only receive pay for the time actually employed on road duty, and that said superintendent shall call in all the tools heretofore furnished township superintendents, and the said tools to be used by the county superintendent in constructing roads;" and that section two be further amended in line five by inserting "thirty-five dollars" in place of "forty dollars" and "forty dollars" in place of "fifty dollars."

Superintendent shall call in all tools heretofore furnished by township superintendents.

Section 3 stricken out.

SEC. 3. That section three of said act be and the same is hereby stricken out and the following substituted therefor, namely:

Appointment of overseers for each road section.

"That the superintendent of roads and board of commissioners of Haywood county shall have power to remove or discontinue, and shall appoint one overseer for each road section of Haywood county as soon as possible after the various townships have been allotted in road sections by the magistrates of said townships who have been notified and have made their allotments in accordance with section six of this act, and on the first Monday of April of each and every year thereafter to renew said appointments: *Provided*, that no overseer shall be required to serve more than once within two years, and the said overseers so appointed shall without compensation work the hands allotted to them on said roads at least four days of the time hereinafter designated in section four of said chapter two hundred and forty-nine in their own road section, and their failure to do so shall be deemed a misdemeanor, for which they shall upon conviction be fined not less than five dollars nor more than ten dollars or imprisoned not more than thirty days: *Provided further*, that said overseers shall attend the road work in the road sections allotted to them at such time and places as they think best, unless otherwise directed by the superintendent of roads, who may in his discretion direct the places to be worked in any particular road section throughout the county, and who shall also have the power in the cases of construction of new roads to call out all the overseers with their hands to any other road section in their immediate township for the length of two days in each road year, which time shall not be credited to the overseer nor the hands on the time directed that he shall work in his own road section, it being the duty of the superintendent on such occasions to give the overseers ten days' notice, and said overseers shall warn their

Renewal of appointments.

Failure of overseer to serve a misdemeanor.

Penalty.

Superintendent of roads may direct places to be worked.

Number of days each year persons liable for road duty.

hands as provided in section four of this act, and the said superintendent shall never have power to call any overseer or his hands to do road work outside of their own township: *Provided further*, that said superintendent shall have power to remove or discontinue, appoint necessary guards to take charge of the convict force and pay the foreman for his services, not more than the sum of twenty dollars per month, and other guards not more than fifteen dollars per month, and the number of guards to be decided on by superintendent and board of county commissioners and said guards to be paid for time when actually employed.”

Proviso.

Superintendent may remove and appoint guards.

Compensation of guards.

SEC. 4. That section four be stricken from said act and the following substituted: “That all able-bodied male persons in Haywood county between the ages of eighteen and forty five years, except residents of incorporated cities and towns, shall work on the public roads of said county not less than four nor more than eight days (of nine hours each) in cases of washouts and construction of roads in each and every year, at such time and places and in such manner as may be designated by the superintendent or overseer as hereinbefore provided in section three of this act:

Persons liable to road duty.

*Provided*, that said superintendent or the overseers in each road section shall give each person in his road section 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 and 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 cases of washouts or other unexpected obstruction to travel three days’ notice shall not be necessary and any person liable to road duty in the section in which such obstruction to travel may occur shall upon being properly summoned by said superintendent or overseer of roads respond to such summons with reasonable promptness, and in cases of washouts or other obstruction to travel it shall be the duty of the overseer to repair the same promptly: *Provided further*, that any person summoned as aforesaid who shall by twelve o’clock of the day preceding the one appointed for work on the road pay to the overseer the sum of seventy-five cents for each day so warned, shall be exempt from working the road for the days he has paid, and the money so collected shall within thirty days be turned over to the county treasurer and credited to the road fund of said section from which the same was paid: *Provided further*, that any person who shall furnish one able-bodied hand as a substitute with the implement directed shall be held to have complied with this chapter.”

Proviso.

Notice shall be given persons liable to road duty.

*Provided further*, that in cases of washouts or other unexpected obstruction to travel three days’ notice shall not be necessary and any person liable to road duty in the section in which such obstruction to travel may occur shall upon being properly summoned by said superintendent or overseer of roads respond to such summons with reasonable promptness, and in cases of washouts or other obstruction to travel it shall be the duty of the overseer to repair the same promptly: *Provided further*, that any person summoned as aforesaid who shall by twelve o’clock of the day preceding the one appointed for work on the road pay to the overseer the sum of seventy-five cents for each day so warned, shall be exempt from working the road for the days he has paid, and the money so collected shall within thirty days be turned over to the county treasurer and credited to the road fund of said section from which the same was paid: *Provided further*, that any person who shall furnish one able-bodied hand as a substitute with the implement directed shall be held to have complied with this chapter.”

Proviso.

When notice shall not be necessary.

*Provided further*, that any person summoned as aforesaid who shall by twelve o’clock of the day preceding the one appointed for work on the road pay to the overseer the sum of seventy-five cents for each day so warned, shall be exempt from working the road for the days he has paid, and the money so collected shall within thirty days be turned over to the county treasurer and credited to the road fund of said section from which the same was paid: *Provided further*, that any person who shall furnish one able-bodied hand as a substitute with the implement directed shall be held to have complied with this chapter.”

Proviso.

Payment of money in lieu of work on roads.

*Provided further*, that any person who shall furnish one able-bodied hand as a substitute with the implement directed shall be held to have complied with this chapter.”

Proviso.

Substitutes may be furnished.

SEC. 5. That section “five” of said act be and the same is amended by inserting after the words “the sum of” in line three

Section 5 amended.

and before the word "for" in line four for and instead of what is between said words the following: "Seventy-five cents per day as provided in section four," and also be amended by inserting instead of the word "supervisor" in line seven the word "overseer."

Section 6 stricken out.

Magistrates shall assemble and allot road districts.

SEC. 6. That section six of said act is hereby stricken out and the following substituted: "That the magistrates in each township shall within fifteen days after being notified in writing by the superintendent of roads assemble in their respective townships and allot their said townships into road sections and assign the hands for each section in said townships and report the said sections, together with the hands allotted to each, to the superintendent of roads within five days after said allotments, and the magistrates in each township shall have the right to lay out and discontinue cartways in their respective townships: *Provided*, that in laying out or discontinuing said cartways they, the petitioners, and all other parties interested shall be governed by the same rules laid down in The Code, chapter fifty, for the board of supervisors and said parties, and that the right of appeal and assessment of damages shall be the same as provided in said chapter fifty of The Code in regard to cartways." That section seven of said act be amended as follows: In line one, so as to read the "fifteenth day of May, eighteen hundred and ninety nine," instead of the "first day of July, eighteen hundred and ninety-seven," and that the word "overseer" be substituted for the words "the township supervisor" in line four of said section, and that the words "road section" be substituted for the word "township" in line four of said section, and that in line six of said section the words "road section" be substituted for the word "township," and also be amended by substituting for the words "the sum of two dollars" in line nine of said section the words "the amount," and further amended by inserting instead of the word "supervisor" in line seventeen of said act the word "overseer."

Appeals and assessment of damages.

Section 7 amended.

That section seven of said act be amended as follows: In line one, so as to read the "fifteenth day of May, eighteen hundred and ninety nine," instead of the "first day of July, eighteen hundred and ninety-seven," and that the word "overseer" be substituted for the words "the township supervisor" in line four of said section, and that the words "road section" be substituted for the word "township" in line four of said section, and that in line six of said section the words "road section" be substituted for the word "township," and also be amended by substituting for the words "the sum of two dollars" in line nine of said section the words "the amount," and further amended by inserting instead of the word "supervisor" in line seventeen of said act the word "overseer."

Section 9 amended

That section nine of said act be amended by adding to the end thereof the following, to wit: That the county superintendent shall not work the convict force when the number of hands are so few as to make it more expensive to run the same than to hire a similar force of free labor, and the superintendent be directed to hire free labor so as to keep his working force up to ten men at such prices as he and the board of commissioners may agree.

When convict force shall not be worked.

Section 10 amended.

SEC. 7. That section ten of said act be amended between the word "by" in line three and the words "the same" in line six, so as to read "by superintendent, who may employ an experienced engineer in his discretion, and said engineer to be paid out of road funds for his services whatever may be agreed upon by the county commissioners and said superintendent;" and that said section be further amended by adding to the end of the second

Employment of engineer.

sentence of said section after the word "obstructions" the following: "Unless it be in such places as the superintendent may think impracticable," and that all of said section beginning with the word "Provide" in line fourteen of said section and ending with the word "place" in line eighteen be stricken out.

SEC. 8. That section eleven be so amended as to substitute the word "overseer" for the word "supervisors" wherever the word "supervisors" appears in said section. That section twelve of said act be amended by inserting between the word "with" in line two of said section and the word "the" in said line the words "or without."

Section 11 amended.

Section 12 amended.

SEC. 9. That if in the judgment of the commissioners of Haywood county that the financial condition of the county will not justify the levy of a special road tax then the county commissioners may refuse to levy any special road tax as provided for in this act, and in chapter two hundred and forty-nine of the public laws of eighteen hundred and ninety seven: *Provided further*, that if the county commissioners shall refuse to levy any special road tax it shall be the duty of the county commissioners to notify the superintendent of roads on the first Monday of June, eighteen hundred and ninety-nine, and it shall be the duty of the superintendent of roads to turn over all the tools and other property that was purchased by the county, to be used in repairing and constructing public roads, and the county commissioners shall make such disposition of the aforesaid tools and property as they shall deem best: *Provided further*, that if the county commissioners shall refuse to levy any special road tax all the duties incumbent upon the superintendent of roads shall cease by the second Monday of June, eighteen hundred and ninety-nine, except such assistance as he may give the county commissioners in appointing road overseers as provided for in this act:

Commissioners may refuse to levy special road tax.

Proviso.

Duties of superintendent shall cease when commissioners refuse to levy tax.

*Provided further*, that in any subsequent year that the county commissioners shall decide to levy a special road tax then the superintendent of roads shall be required to perform the duties as required of him in the preceding sections of this act, and in chapter two hundred and forty-nine of the public laws of eighteen hundred and ninety-seven: *Provided further*, that if the county commissioners shall refuse to levy a special road tax then the public roads shall be laid out, changed and constructed as provided for and prescribed in chapter fifty of The Code.

Proviso.

When commissioners decide to levy special tax.

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

Ratified the 7th day of March, A. D. 1899.

## CHAPTER 612.

An act to amend chapter two hundred and sixty-six of the public laws of eighteen hundred and ninety-five, establishing graded schools in the town of Hendersonville.

*The General Assembly of North Carolina do enact :*

Sections 3, 4, 5, 6  
and 7 chapter  
266, public laws of  
1895, repealed.

SECTION 1. That sections three, four, five, six and seven of chapter two hundred and sixty-six of the public laws of eighteen hundred and ninety-five be and the same are hereby repealed, and in lieu thereof the following are enacted:

Board of trustees  
appointed.

SEC. 2. That George H. P. Call, C. M. Pace, Charles F. Toms, Thomas J. Richman, J. G. Waldrop, W. A. Smith, W. F. Edwards, J. A. Wilcox and S. J. Justice be and they are hereby constituted a board of trustees for the graded schools of Hendersonville; that the said board shall have power and it shall be their duty to fill all vacancies that may occur in said board, employ teachers and do all such acts as may be necessary to carry on said graded schools.

Empowered to  
fill vacancies.

SEC. 3. That it shall be the duty of said board to establish a graded school for the white children of said town, to appropriate the funds derived from special taxes and all other sources and to the end that substantial schools may be built up in said town. The said board may arrange with the various trustees of other schools of said town for a consolidation of the special and graded public school funds, and may make suitable arrangements for houses in which to maintain said graded schools.

Authorized to  
establish graded  
schools for white  
children.

SEC. 4. That the moneys arising from said special assessment provided in sections one and two of said original act shall as soon as collected be paid over to the treasurer of said town who shall, acting in conjunction with disbursing officer of public school funds in Henderson county, appropriate same upon order of the duly qualified authorities to the maintenance of said schools in said town.

Moneys collected  
shall be paid  
over to town  
treasurer.

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

Ratified the 7th day of March, A. D. 1899.

## CHAPTER 613.

An act in respect to filling vacancies in the judicial department.

*The General Assembly of North Carolina do enact :*

Vacancies occur-  
ring in judicial  
department, how  
filled.

SECTION 1. That all vacancies occurring by death, resignation or otherwise in the offices of justice of the supreme or judge of the superior court of the state shall be filled for the unexpired

term at the next general election for members of the general assembly held after such vacancy is created.

SEC. 2. The persons elected at such election shall be commissioned by the governor immediately after the ascertainment of the result in the manner provided by law and shall qualify and enter upon the discharge of the duties of the office within ten days after receiving such commission.

Persons elected shall be commissioned by governor.

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

Ratified the 7th day of March, A. D. 1899.

#### CHAPTER 614.

**An act to appoint Newit Cox and W. G. Pope justices of the peace in and for Britt's township, in Robeson county.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That Newit Cox and W. G. Pope be and they are hereby appointed justices of the peace in and for Britt's township, in Robeson county, for a term of six years from and after the first day of April, Anno Domini, eighteen hundred and ninety-nine.

Appointed justices of the peace.

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

Ratified the 7th day of March, A. D. 1899.

#### CHAPTER 615.

**An act for the relief of John C. McLauchlin, clerk of the superior court of Anson county.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That John C. McLauchlin, clerk of the superior court of Anson county, be and he is hereby exempted from the provisions of section one hundred and fourteen of The Code and from the liabilities and penalties mentioned in section one hundred and fifteen of The Code, during the months of July and August, eighteen hundred and ninety nine and nineteen hundred: *Provided, however,* that during his absence he shall have a competent deputy.

John C. McLauchlin permitted to absent himself from office on certain days.

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

Ratified the 7th day of March, A. D. 1899.

## CHAPTER 616.

An act to extend the time of settlement of J. F. Teague for state and county taxes.

*The General Assembly of North Carolina do enact :*

Time of settle-  
ment of J. F. :  
Teague extended.

SECTION 1. That the time of settlement by J. F. Teague, late sheriff of Swain county for the state and county taxes for eight-hundred and ninety-eight, be and the same is hereby extended to the first Monday in September, eighteen hundred and ninety-nine, and that he has until said time to collect and settle said taxes.

Conflicting laws  
repealed.

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

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

Ratified the 7th day of March, A. D. 1899.

## CHAPTER 617.

An act to repeal section two (2), chapter two hundred and twelve (212), public laws of eighteen hundred and ninety-seven (1897).

*The General Assembly of North Carolina do enact :*

Relative to road  
law of Cabarrus  
county.

SECTION 1. That section two (2), chapter two hundred and twelve (212), public laws of eighteen hundred and ninety-seven (1897), be and the same is hereby repealed, and that section three (3), chapter three hundred and sixty-one (361), public laws of eighteen hundred and eighty-nine (1889), be and the same is hereby re enacted.

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

Ratified the 7th day of March, A. D. 1899.

## CHAPTER 618.

An act to amend chapter nineteen of the laws of eighteen hundred and eighty-five, and chapter three hundred and eighty of the laws of eighteen hundred and ninety-three, and to provide for amending the charter or letters patent of a corporation granted under chapter sixteen (16) of The Code, and the laws amendatory thereof.

*The General Assembly of North Carolina do enact :*

Section 3, chapter  
19, laws of 1885,  
repealed.

SECTION 1. That section three of chapter nineteen of the laws of eighteen hundred and eighty-five be and the same is hereby repealed.

SEC. 2. That section one of chapter three hundred and eighty of the laws of eighteen hundred and ninety-three be stricken out and the following be inserted in lieu thereof, to wit:

Any corporation desiring to amend its charter or letters patent as granted either by a clerk of the superior court or the secretary of state under chapter sixteen (16) of The Code and the laws amendatory thereof shall cause the proposed amendment to be certified by the president or other chief officer under its corporate seal, attested by the secretary to the clerk of the superior court of the county in which the articles of agreement are recorded, showing the same to have been previously authorized and adopted by a majority of the stockholders in meeting assembled, and the clerk shall record the same in his office and shall send a certified copy thereof under his hand and the seal of his office to the secretary of state. The secretary of state shall thereupon cause said copy to be recorded in his office in the "corporation book," and shall issue a certificate under the great seal of the state declaring the charter or letters patent amended, according to the terms and conditions of the proposed amendment received from said clerk, which said certificate shall be recorded in the office of said clerk in the record of incorporations.

Section 1, chapter 380, laws of 1893, amended.

Corporations desiring to amend charter or letters patent.

Duty of secretary of state in regard to such amendment.

And for the services rendered hereunder said clerk and secretary of state shall respectively have and be entitled to collect and receive the same fees as are now provided by law for recording articles of agreement, copy the same, and for issuing and recording letters patent and affixing the great seal of the state thereto.

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

Ratified the 7th day of March, A. D. 1899.

## CHAPTER 619.

### An act for the relief of blind ex-Confederate soldiers.

*The General Assembly of North Carolina do enact:*

SECTION 1. That all ex-Confederate soldiers who have become totally blind since the war shall have and enjoy the benefits of the provisions of acts of eighteen hundred and seventy nine, chapter one hundred and ninety-three, and the amendment thereof in acts eighteen hundred and eighty-three, chapter three hundred and forty-one.

Ex-Confederate soldiers who have become totally blind entitled to certain benefits.

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

Ratified the 7th day of March, A. D. 1899.

## CHAPTER 620.

An act to review, lay off and establish a public road from near Cook's Gap of the Blue Ridge, in Watauga county, North Carolina, to intersect with the Yadkin Valley road at or near L. E. Davis' roller mills, in Wilkes county, North Carolina.

*The General Assembly of North Carolina do enact :*

Road commis-  
sioners ap-  
pointed.

Appointment of  
road surveyor.

SECTION 1. That Col. J. C. Land and C. L. Hamby, of Wilkes county, and Thomas L. Critcher, of Watauga county, are hereby appointed commissioners, who are hereby authorized and empowered to employ a road surveyor to review, locate and establish a public road leading from near Cook's Gap of the Blue Ridge via Daniel Wheeler's, and from there so as to amend the old road to Middle Cane Post Office, and from Middle Cane so as to amend the new road that was laid out and established but not completed under chapter three hundred and seventy-five, laws of eighteen hundred and ninety five, to the forks of the road at Col. J. C. Land's, in Wilkes county; from there so as to amend the old road to C. L. Hamby's; thence the most practical route by the way of the Davis ford of the Yadkin river to the Yadkin Valley road, near L. E. Davis' roller mills in said county, said road to be fourteen feet wide, clear of stumps and runners.

Commissioners  
shall make out  
and sign reports.

SEC. 2. After discharging their duties under this act the said commissioners and surveyors shall make out and sign two reports of their location of said road, and file one with the board of county commissioners of each of said counties herein named, and any damages they may assess shall be paid by the county commissioners in which the land is situated.

Certain persons  
shall exempt from such  
road duty.

Overseers shall  
make report.

SEC. 3. Hands living west of the Blue Ridge shall not be compelled to work on said road below Daniel Wheeler's.

SEC. 4. That when such overseers as may be appointed to work said road have discharged their duties and said road is completed they shall report the same to the county commissioners, who shall accept the same as a public road.

Commissioners  
shall appoint  
road overseer for  
certain township.

SEC. 5. That the county commissioners of Wilkes county appoint an overseer and assign him all the road hands living on the waters of Stony Fork, Elk township, Wilkes county, North Carolina, between the top of the Barnhill, at the widow Triplett's, so as to include all the lands on the old hill Chestnut mountain road to the Watauga county line to work on the road between Joctown and the top of the Barnhill in said township.

Appointment of  
overseer for cer-  
tain territory.

SEC. 6. That the county commissioners of said county appoint an overseer and assign him all the road hands living on the waters of Stony Fork between the Barnhill and Wolf's mill to work on said road.

SEC. 7. That the county commissioners of said county appoint an overseer and assign him all the road hands from Wolf's mill to the Davis ford on the Yadkin river, including all the road hands on the waters of Stony fork and Ready branch and the Yadkin river, between the ford near Elkville and the Davis ford on the north side of the Yadkin river; thence with the Soapstone ridges to the Elk township line to work on said road.

Overseer for certain territory.

SEC. 8. The county commissioners of Wilkes county shall appoint an overseer and assign him all the hands within two miles of the road leading from Davis' ford to the Yadkin Valley road, near L. E. Davis' roller mills, on the south side of the Yadkin river.

Overseer for certain territory.

SEC. 9. Said road shall be completed within two years from the ratification of this act.

When road shall be completed.

SEC. 10. That the county commissioners of the county [counties] of Watauga and Wilkes may furnish all blasting materials and tools for blasting purposes in their respective counties as they are required to furnish in building of new roads under general act.

Commissioners of Wilkes and Watauga may furnish all materials.

SEC. 11. That any person or persons herein mentioned shall fail to comply with any of their duties expressed in this act shall be guilty of a misdemeanor, and on conviction shall be fined or imprisoned at the discretion of the court.

Persons failing to perform duties guilty of a misdemeanor.

SEC. 12. All laws and all clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 13. This act shall come into effect from and after its ratification.

Ratified the 8th day of March, A. D. 1899.

## CHAPTER 621.

### An act for the relief of the board of education and certain teachers of Hertford county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the treasurer of Hertford county is hereby authorized, empowered and required to pay the following members of the board of education and secretary of said board of education balance due for services rendered during the scholastic year of eighteen hundred and ninety six: S. E. Marsh, clerical services, six months, twenty four dollars; A. J. Parker, services on board one day, two dollars; E. T. Snipe, services on board one day and mileage, three dollars and sixty cents; J. B. Vaughn, services on board one day and mileage, three dollars and sixty

Treasurer of Hertford county authorized to pay certain claims.

cents; J. C. Vinson, services on board one day and mileage, three dollars and sixty cents.

Authorized to pay certain teachers.

SEC. 2. That the said treasurer of said county be empowered, authorized and required to pay the following teachers balance due them for services as teacher during the scholastic year of eighteen hundred and ninety-six: Miss Lula Odom, ten dollars and eighty-eight cents; Miss Lula Parker, nineteen dollars and fifty cents; Miss Mary Raby, fifteen dollars and forty cents; I. F. Snipes, eighteen dollars and sixty-three cents; Rebecca Reynolds, eighteen dollars; T. E. Calliner, fourteen dollars and fifty cents; Nettie Outlaw, fourteen dollars and forty cents; Paul E. Jenkins, four dollars and thirty-eight cents; J. O. Holliman, six dollars and seventy cents; M. C. Mitchell, seven dollars and forty cents; Isaiah Saunders, nine dollars and seventy-six cents.

Authorized to pay certain claim for stove furnished.

SEC. 3. That the said treasurer of said county be further empowered, authorized and required to pay J. O. Askew three dollars and one cent, balance due on stove furnished by said Askew to school number twenty-one, white.

Said claims to be paid out of school fund.

SEC. 4. That the said treasurer of Hertford county be directed, empowered and required to pay all the accounts set forth in this act out of the general school fund, three hundred dollars set apart and appropriated for the incidental expenses of the board of education of said county: *Provided*, the said accounts are or have been duly and legally allowed by the board of education or properly signed by the committeemen and county supervisors. That the amounts shall be paid direct to the persons named in the act, and in the event they assign the said accounts then the payments shall be made to the assignee of such person, and then only to the amount actually paid by the assignee for the said claim.

Proviso.

Shall apply only to accounts set out in this act.

SEC. 5. That this act shall not apply to any other accounts than those mentioned in this act, and not then unless section four of this act has been strictly complied with.

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

Ratified the 8th day of March, A. D. 1899.

#### CHAPTER 622.

An act to amend sections three thousand six hundred and twenty-three and three thousand six hundred and thirty-nine of The Code.

*The General Assembly of North Carolina do enact:*

Accounts for printing to be approved by commissioner instead of two printers.

SECTION 1. That section three thousand six hundred and twenty three of The Code be and the same is hereby amended by striking out the words "two practical printers, as provided in

the preceding section," in lines four and five of said section and inserting in lieu thereof the words "the commissioner of labor and printing as provided by law."

SEC. 2. That section three thousand six hundred and thirty-nine of The Code be and the same is hereby amended by striking out the word "auditor" in line seven of said section and inserting in lieu thereof the words "commissioner of labor and printing."

Deduction of \$50 per day on failure of printer to deliver acts of legislature within 90 days after adjournment.

SEC. 3. That 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 its ratification.

Conflicting laws repealed.

Ratified the 8th day of March, A. D. 1899.

#### CHAPTER 623.

##### An act for the payment of school claim in Randolph county.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the treasurer of Randolph county is hereby authorized to pay J. A. McRae (col.) nineteen dollars and twenty-five cents (\$19.25) for services rendered as teacher in school district number ten for the colored race in Randolph county.

Treasurer of Randolph county authorized to pay certain claim.

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

Ratified the 8th day of March, A. D. 1899.

#### CHAPTER 624.

##### An act to establish graded schools in Lincolnton.

*The General Assembly of North Carolina do enact:*

SECTION 1. That all the territory embraced within the corporate limits of the town of Lincolnton, Lincoln county, shall be and is hereby constituted "the Lincolnton graded school district" for white and colored children.

Territory included in Lincolnton graded school district.

SEC. 2. That the commissioners of the town of Lincolnton, Lincoln county, are hereby required to submit to the qualified voters of said town at the next election to be held in May for the municipal officers of the said town the question whether an annual tax shall be levied for the support of the graded school in said town.

Commissioners authorized to submit question of special school tax.

SEC. 3. That at the election held under the provision of this act those favoring the levying of such tax shall vote a written or printed ballot without device with the words "For schools"

Form of ballot.

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.

Amount of special school tax to be levied.

SEC. 4. That if a majority of the voters [votes] cast at such election be in favor of levying such tax, it shall be the duty of the board of commissioners of said town and their successors to levy annually a special tax not less than sixteen and two-thirds cents nor exceeding twenty five cents on the hundred dollars valuation of all the taxable property of said town, and upon the poll not less than fifty cents nor exceeding seventy five cents, observing the constitutional equation; 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.

Succeeding elections may be held.

SEC. 5. If the majority of the votes cast be against the levying of such tax, then the commissioners of said town shall hold an election thereon again, when a petition shall be presented to them, signed by not less than twenty-five qualified voters of the said town: *Provided*, that an election upon the said question shall not be had oftener than once in every twelve months.

Taxes levied, to whom payable.

SEC. 6. The taxes levied under this chapter shall be paid over by the said tax collector of the said town to the treasurer of said town, which officers shall give bonds, the former for collection and the latter for the safe-keeping and proper distribution of said special taxes and other funds that may come into his hands for the use of said graded schools; and the treasurer of the public school funds for Lincoln county shall pay over to the said treasurer of the said town the share of the public school money which would be due to the said town if it were a public school district, the same to be applied to maintaining the said graded schools; and the said treasurer shall keep said school funds separate and apart from all other moneys, and shall pay out the same only upon a warrant signed by the chairman and secretary of the board of trustees of the graded schools of said town.

Said funds shall be kept separate.

Election of board of trustees.

SEC. 7. That the board of commissioners of said town at their meeting in June after said election shall elect a board of trustees for the graded schools of said town, consisting of three persons, the first one of which elected shall hold his office for one year from the date of his election, the second for a term of two years, and the third for a term of three years; and at the expiration of the respective terms of office of the said trustees the successor of each shall be elected for and hold his office for the term of three years; and the said board of commissioners of said town shall have power to fill all vacancies that may occur in the said board of trustees.

Term of office.

Power of trustees to employ teachers, etc.

SEC. 8. The said board of trustees shall have power to employ teachers, dismiss the same and do all such acts as may be neces-

sary to carry on said graded schools; and all the property both real and personal of the public schools of said town shall become the property of the said graded schools, and shall be vested in the said board of trustees and their successors in trust for the said graded schools: *Provided*, that in the event of the discontinuance of said graded schools all of the property which heretofore belonged to the public schools of said town shall revert to and become the property of the white or colored school respectively to which it formerly belonged; and all property, real or personal, acquired by the said board of trustees from any and all other sources shall be disposed of and the funds and proceeds thereof applied in such manner as the board of commissioners of the said town may direct.

Proviso.

In event of discontinuance of school.

SEC. 9. The said board of trustees is authorized and empowered to receive gifts and conveyances of real and personal property, and to invest and secure the same, lease, sell and convey such property and deal with it in such manner as they may deem for the best interests of the said graded schools.

Trustees empowered to receive gifts, donations, etc.

SEC. 10. That it shall be the duty of said board of trustees to establish a graded school for the white children and one for the colored children of said town, and to appropriate the funds derived from said special taxes and all other sources for said graded schools for white and colored children, so as to equalize school facilities between the two races.

Trustees shall establish one school for whites and one for colored.

SEC. 11. That the public school money which may from time to time be collected and apportioned under the general school law for general school purposes for the children in said town shall be applied to keeping up said graded school under the order and direction of said board of trustees.

Public school money apportioned under general school law, how applied.

SEC. 12. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 13. That this act shall be in force from and after its ratification.

Ratified the 8th day of March, A. D. 1899.

CHAPTER 625.

An act to prevent persons from beating their way on railroad trains in this state.

*The General Assembly of North Carolina do enact:*

SECTION 1. That any person other than a railroad employe in the discharge of his duty who, without authority from the conductor of the train or by permission of the engineer and with the intention of being transported free and without paying the usual fare for such transportation, rides or attempts to ride on top of

Persons beating way on trains guilty of a misdemeanor.

any car, coach, engine or tender, or on any railroad in this state, or on the draw heads between cars, or under cars on truss rods, or trucks or in any freight car, or on a platform of any baggage car, express car or mail car on any train in this state shall be guilty of a misdemeanor.

SEC. 2. Be it further enacted: That any person charged with a violation of the first section of this act may be tried in any county in this state through which such train may pass carrying such person, or in any county in which such violation may have occurred or may be discovered.

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

Ratified the 8th day of March, A. D. 1899.

#### CHAPTER 626.

**An act to repeal chapter four hundred and forty-one, public laws of eighteen hundred and ninety-seven, creating Beaver Dam township, in Washington county.**

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter four hundred and forty-one of the public laws of eighteen hundred and ninety-seven be and the same is hereby repealed.

SEC. 2. That the township created by said chapter four hundred and forty one, acts of eighteen hundred and ninety seven, shall hereafter be a part of Scuppernong township, and all officers of said township shall be and remain officers of Scuppernong township in like manner as if elected or appointed for said Scuppernong township.

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

Ratified the 8th day of March, A. D. 1899.

#### CHAPTER 627.

**An act for the relief of H. C. Kearney, sheriff of Franklin county.**

*The General Assembly of North Carolina do enact :*

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-one, eighteen hundred and ninety-two, eighteen hundred and ninety-three, eighteen hundred and ninety four,

When persons charged with violation of this act may be tried.

Chapter 441, public laws of 1897, repealed.

Township created by said act a part of Scuppernong township.

H. C. Kearney, sheriff of Franklin county, authorized to collect certain arrears.

eighteen hundred and ninety-five, eighteen hundred and ninety-six and eighteen hundred and ninety seven.

SEC. 2. That the authority hereby given to collect the arrears of taxes shall cease and determine on the first Monday in December, nineteen hundred.

When said authority shall cease.

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

Conflicting laws repealed.

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

Ratified the 8th day of March, A. D. 1899.

CHAPTER 628.

An act to compel vagrants to work on the public roads or highways of this state.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section three thousand eight hundred and thirty four of The Code of North Carolina be and the same is hereby amended by striking out all the words after "misdemeanor" in line nine (9) and inserting in lieu thereof the following, viz: "And upon conviction thereof shall be sentenced to pay a fine not to exceed fifty (\$50) dollars or by imprisonment not to exceed thirty (30) days." The justice of the peace before whom a conviction shall be had shall in his judgment sentence any vagrant or vagrants to work out his sentence on the public roads or highways of the county in which such conviction is had.

Section 3834 of The Code amended.

SEC. 2. That the boards of commissioners of the various counties shall in their discretion make provisions by such rules and regulations as they may deem necessary and lawful for the working of convicts upon the public roads or highways for their counties, and it shall be lawful for any justice of the peace or judge holding court in such counties to sentence to imprisonment and hard labor on the public roads for such terms as are now provided by law for their imprisonment in the county jail or in the state prison the following classes of convicts:

Commissioners shall make regulations for working convicts on public roads.

First. All persons convicted of offenses the punishment whereof would otherwise be wholly or in part imprisonment in the common jail.

Persons liable to provisions of this act.

Second. All persons convicted of crimes the punishment whereof would otherwise be wholly or in part punishment in the penitentiary for a term not exceeding two years.

SEC. 3. That the convicts sentenced to hard labor upon the public roads under the provisions of this act shall be under the

Convicts under control of county commissioners.

control of the commissioners of the county, and said commissioners shall have power to enact all needful rules and regulations for the successful working of all convicts upon such public roads and highways.

Applicable only to certain counties.

SEC. 4. That this act shall apply only to the counties of Pitt, Edgecombe, Wilson, Jackson, Granville, Stanly and Swain.

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

Ratified the 8th day of March, A. D. 1899.

#### CHAPTER 629.

**An act to authorize the board of commissioners of Union county to use certain funds for benefit of the home for the aged and infirm of said county.**

*The General Assembly of North Carolina do enact :*

Commissioners of Union county authorized to transfer certain moneys to poor fund.

SECTION 1. That the commissioners of Union county are hereby authorized to transfer to the poor fund of said county the surplus amount raised by taxation for the purpose of paying the bonded indebtedness of the county of Union created for the erection of a court-house and jail amounting to about one thousand six hundred dollars, and which is not now needed and can not be used to pay said bonds which are not due, which said amount so transferred shall be used for the purpose of paying the necessary expenses of the home for the aged and infirm of said county.

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

Ratified the 8th day of March, A. D. 1899.

#### CHAPTER 630.

**An act to prevent fast riding or driving across the public bridges in Craven county,**

*The General Assembly of North Carolina do enact :*

Fast riding or driving over bridges in Craven county a misdemeanor.

SECTION 1. That any person or persons who shall ride or drive any horses, mules or other animals over the public bridges of Craven county faster than a walk, or who shall ride a bicycle over said bridges at a speed greater than five miles per hour, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five nor more than twenty-five dollars

or imprisoned not more than thirty days in the discretion of the court.

SEC. 2. That the board of commissioners of Craven county shall keep posted at each end of the bridges built by the county across the Neuse and Trent rivers at Newbern a notice in large letters embodying the substance of this act.

Commissioners shall post notices.

SEC. 3. That it shall be the duty of the keeper of any of said bridges to report at once to the chairman of the board of county commissioners any violation of this act which may come under his observation, and the said chairman shall lay said complaint before the board of commissioners at its next ensuing meeting for such action as said board may deem necessary to enforce this act.

Keepers of bridges shall report violations of this act.

SEC. 4. That if any of said keepers of said bridges shall fail to report any violations of this act they shall forfeit their positions as keepers and the chairman of the board of commissioners of said county shall at once appoint their successors to hold the position until the next meeting of the board of commissioners, at which time said board shall hear and determine the matter, and either reinstate said keepers or select others.

Keepers failing to report violations shall forfeit office.

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

Ratified the 8th day of March, A. D. 1899.

#### CHAPTER 631.

An act supplementary to an act ratified the seventh day of March, eighteen hundred and ninety-nine, entitled "An act to authorize and direct the issuing of state bonds to pay off the debts of the State's Prison, and for other purposes."

WHEREAS, litigation has arisen involving the constitutional power of the general assembly to abolish the office of superintendent of the State's Prison, created under the act of eighteen hundred and ninety-seven; and

Preamble.

WHEREAS, the action to test the same is pending in the supreme court:

*The General Assembly of North Carolina do enact:*

SECTION 1. That if the act of the general assembly, ratified January twenty-six, eighteen hundred and ninety-nine, entitled "An act to incorporate the State's Prison of North Carolina and provide for the government thereof," shall be decided unconstitutional in whole or in part by the supreme court, whereby the

Powers vested in certain officers, in certain event vested in them as individuals.

executive board of said State's Prison of North Carolina shall be disabled from executing the provisions of the act ratified March seventh, eighteen hundred and ninety-nine, entitled "An act to authorize the issuing of state bonds to pay off certain indebtedness arising from the conduct of the State's Prison and for other purposes," then and in that event the powers vested by said act in Edward L. Travis, W. H. Osborn and W. C. Newland, executive board of said State's Prison of North Carolina shall be vested in said Edward L. Travis, W. H. Osborn and W. C. Newland or any two of them as individuals, and in the event of their inability to act the said powers may be executed by any three members of the board of directors of the State's Prison of North Carolina whom the said board of directors may designate or by a majority of said three members.

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

Ratified the 8th day of March, A. D. 1899.

#### CHAPTER 632.

#### An act to incorporate the Chowan Educational Association in the county of Hertford.

*The General Assembly of North Carolina do enact :*

Corporators.

SECTION 1. That W. D. Newsome, George Keen, C. S. Brown, William Reid, I. Boone, Thomas Jernigan, James Rooks, A. T. Beverly, W. H. Smith, and their associates and successors in office, be and they are hereby created a body corporate and politic under the name and style of the "Chowan Educational Association," in the county of Hertford, for the education of colored people; and as such they shall have all the corporate powers, rights and immunities of similar institutions. The trustees and directors may plead and be impleaded, sue and be sued, and may acquire and hold such real and personal property as may be necessary and suitable to maintain and operate a school of high grade, not to exceed fifty thousand dollars, such property to be exempted from taxation.

Corporate name.

Corporate powers.

Requisites to membership.

SEC. 2. That all Baptist churches, associations and other Baptist organizations may, on the payment of ten dollars to the treasurer of the Chowan Educational Association, become members and stockholders of the said cooperation [corporation.] it being understood that no stock is transferable or subject to draw interest.

Moneys received, how expended.

SEC. 3. That all money paid to the Chowan Educational Association by the Baptist churches named in section two of this act

or any other Baptist churches or Baptist organizations shall be expended by the directors and trustees of said Chowan Educational Association for the purchasing and improvement of school property at Winton, in the county of Hertford, and the school property so purchased and improved shall be owned and controlled by the Chowan Educational Association.

SEC. 4. That it shall be lawful for any person upon the payment of ten dollars or more into the treasurer of the Chowan Educational Association to become a life member of the same, and said party shall be entitled to one vote for each ten dollars so paid in.

Life members of said association.

SEC. 5. That the board of trustees shall be composed of twenty-four members elected by the association, and so chosen that not more than one third shall go out of office during any year, except removed by death, resignation or for improper conduct, and said vacancies thus occurring may be temporarily filled by appointment by the presiding officer.

Election of trustees.

SEC. 6. That it shall be a misdemeanor for any person to sell any intoxicating liquor within four hundred yards of the buildings of said Chowan Educational Association, and for every such offense the offender upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Misdemeanor to sell intoxicating liquors within a quarter of mile of buildings.

SEC. 7. That chapter one hundred and thirty eight, private laws of eighteen hundred and eighty-seven, and chapter one hundred and twenty eight, private laws of eighteen hundred and eighty-nine, and chapter twenty eight, private laws of eighteen hundred and ninety-one, are hereby repealed, except that part referring to the name of the institution, "Waters Normal Institute."

Certain portions of chapter 138, private laws of 1887, repealed.

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

Ratified the 8th day of March, A. D. 1899.

#### CHAPTER 633.

**An act to amend chapter two hundred and eighty, laws of eighteen hundred and ninety-seven.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one of chapter two hundred and eighty of the laws of eighteen hundred and ninety-seven be amended by adding after the last word thereof "and New Hanover county."

New Hanover exempted from payment of special ventmen in capital cases.

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

Ratified the 8th day of March, A. D. 1899.

## CHAPTER 634.

An act relative to taxation of costs in suits before justices of peace  
in New Hanover county.*The General Assembly of North Carolina do enact :*

Counties not  
liable for fees in  
issuing subpoenas  
in capital  
felonies.

SECTION 1. That on the trial before any justice of the peace of any criminal action, except capital felonies, the county in any such prosecution shall not be liable for or taxed with the fees for issuing subpoenas for or summoning more than four witnesses.

Applicable only  
to New Hanover  
county.

SEC. 2. This act shall only apply to the county of New Hanover.

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

Ratified the 8th day of March, A. D. 1899.

## CHAPTER 635.

An act to provide for the funding of the current indebtedness of Union  
county, and to provide for the payment of the same. •*The General Assembly of North Carolina do enact :*

Commissioners  
of Union county  
empowered to  
issue bonds.

SECTION 1. That for the purpose of funding the current indebtedness of said county remaining unpaid and of providing for its payment the county commissioners of Union county are authorized and empowered to issue bonds bearing interest at six per centum per annum to the amount of five thousand dollars of the denomination of one hundred dollars each to each and every of which shall be attached the coupons representing the interest on said bonds, which said coupons shall be due and payable on the first day of January of each and every year until the bonds shall mature; the bonds so issued by the 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 due, and shall be receivable in payment of county taxes; the bonds shall run for a period of five years and shall be exempt from municipal taxation.

Maturity of  
coupons.

Bonds, under  
whose signature  
issued.

SEC. 2. The said bonds shall be issued under the signature of the chairman of the board of county commissioners and shall be attested by the signature and the official seal of the register of deeds of said county, and the chairman shall dispose of said bonds at a sum not less than their par value: *Provided*, that no more bonds than shall be necessary to pay the said outstanding indebtedness shall be issued.

SEC. 3. That for the purpose of paying the interest on said bonds as it falls due and providing a sinking fund for the payment of said bonds as they mature, it shall be the duty of the county commissioners to levy and cause to be collected annually as other county taxes are levied and collected a tax upon the real and personal property of said county not exceeding three cents on the one hundred dollars worth of property and nine cents on the poll.

Special annual tax may be levied.

SEC. 4. That in order that the county commissioners may use the excess of the fund raised by taxation under this act providing for the issue of the bonds after paying the annual interest accrued on said bonds, they are authorized and empowered to purchase annually one fifth of said bonds issued at a sum not exceeding their par value, and in case no one shall offer to sell one fifth thereof, then the commissioners may designate such bonds not exceeding one fifth of the whole number issued as they may desire to purchase, and after a designation of the bonds and a notice thereof given through a newspaper published in Union county, if the holder of the bonds shall refuse to surrender the same and receive their par value with [interest] at the time of such notice, then the holder shall not receive any interest subsequently accruing.

Use of excess raised under this act.

Interest shall cease when holder refuses to surrender bonds.

SEC. 5. 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.

Record of purchasers shall be kept.

SEC. 6. That all laws and clauses of laws inconsistent with this act are hereby repealed.

Conflicting laws repealed.

SEC. 7. This act shall be in force from and after its ratification. Ratified the 8th day of March, A. D. 1899.

#### CHAPTER 636.

An act to remedy defects in the record of wills in Pamlico county.

*The General Assembly of North Carolina do enact:*

SECTION 1. That where instruments of writing, purporting to be last wills and testaments, have been entered or recorded in the record books in the office of the clerk of the superior court of Pamlico county and the affidavits or depositions of the necessary witnesses to such wills and testaments have also been recorded,

Force and effect of certain instruments of writing recorded in Pamlico county.

and there is no certificate of the adjudication of probate of such wills and testaments or record of such certificate, all such records shall have the same force and effect in every respect that they would have if the adjudication that such last wills and testaments had been duly and legally proven had been certified and recorded.

Records to which applicable.

SEC. 2. This act shall apply to the record of all last wills and testaments recorded as above mentioned in the office of the superior court clerk of Pamlico county and to the certified copies of such records made at any time prior to the ratification of this act.

SEC. 3. This act shall be in force from and after its ratification. Ratified the 8th day of March, A. D. 1899.

#### CHAPTER 637.

#### An act to appropriate one hundred thousand dollars to the public schools of North Carolina.

*The General Assembly of North Carolina do enact :*

Appropriation for public schools.

SECTION 1. That the sum of one hundred thousand dollars be and the same is hereby appropriated annually from the state treasury for the benefit of the public schools.

How distributed among counties.

SEC. 2. That this money shall be distributed to the respective counties of the state per capita as to school population on the first Monday in January of each year, using the school census of the previous scholastic year as a basis of apportionment, and shall be distributed in the respective counties by the school directors under the general school law of the state.

Superintendent of public instruction shall issue warrants.

SEC. 3. That the superintendent of public instruction shall issue warrants upon the auditor for the amount due each county under section two of this act, said warrants to be drawn in favor of the county treasurer of each county, to be credited to the general public school fund of the county.

Conflicting laws repealed.

SEC. 4. All laws and clauses of law 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. 1899.

## CHAPTER 638.

An act to amend chapter fifty-seven (57), public laws of one thousand eight hundred and ninety-seven.

*The General Assembly of North Carolina do enact:*

SECTION 1. That line six, section two of chapter fifty-seven (57), laws of eighteen hundred and ninety seven (1897) be amended by striking out the word "and" between the words "Transylvania and Henderson" and insert after the word "Henderson" the words "and Dare."

Act making public drunkenness a misdemeanor.

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

Ratified the 8th day of March, A. D. 1899.

## CHAPTER 639.

An act to promote fish culture in the south fork of New river in Watauga county.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be the duty of all persons, firms or corporations who have or may hereafter erect any dam or other structure across the south fork of New river in Watauga county to provide a suitable passway for the free passage of fish.

Passway for fish shall be provided in certain waters.

SEC. 2. That any person who fails to comply with the provisions of section one of this act in ninety days after its passage shall be guilty of a misdemeanor, and each day that such obstruction shall remain will render owner indictable as separate offenses.

Failure to comply with provisions of this act.

SEC. 3. That it will be unlawful for any person to take fish of any kind from the south fork of New river or its tributaries in Watauga county except by hook and line or by gig for the next four years, and any one violating the provisions of this section shall be guilty of a misdemeanor.

Unlawful to take fish from certain waters except in certain ways for four years.

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

Ratified the 8th day of March, A. D. 1899.

## CHAPTER 640.

An act supplemental to "An act to ratify, confirm and approve the organization and incorporation of the South Carolina and Georgia Extension Railroad Company of North Carolina," to grant it certain powers, and to authorize it to consolidate with other railroad companies, and to grant certain powers to any such consolidated company.

*The General Assembly of North Carolina do enact :*

Sections 697, 698  
and 701 inopera-  
tive in certain  
case.

SECTION 1. That sections six hundred and ninety-seven, six hundred and ninety-eight and seven hundred and one of The Code or any amendment or amendments thereto, or other of them heretofore made, be and the same are hereby declared to be inoperative so as to limit, annul or make void any of the powers, privileges or franchises granted to the South Carolina and Georgia Extension Railroad Company of North Carolina, its successor or successors, by the special act to which this is supplemental.

SEC. 2. This act shall be in force from and after its ratification. Ratified the 8th day of March, A. D. 1899.

## CHAPTER 641.

An act supplemental to an act entitled "An act to regulate the time of holding the superior courts of Cabarrus and Montgomery counties."

*The General Assembly of North Carolina do enact :*

Chapter 2, public  
laws of 1897,  
amended.

SECTION 1. That section two (2) of an act ratified March sixth, eighteen hundred and ninety-nine, entitled "An act to regulate the time of holding the superior courts of Cabarrus and Montgomery counties" be amended so as to read as follows: "That chapter two (2), public laws of eighteen hundred and ninety-seven (1897), be amended as follows: Strike out line five of section one (1) and insert in lieu thereof the following: "On the sixth Monday after the first Monday in March, to continue one week."

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

Ratified the 8th day of March, A. D. 1899.

## CHAPTER 642.

An act to amend an act ratified the sixth day of March, eighteen hundred and ninety-nine, and entitled "An act to establish the North Carolina Corporation Commission."

*The General Assembly of North Carolina do enact:*

SECTION 1. That section twenty two of an act ratified the sixth day of March, eighteen hundred and ninety-nine, and entitled "An act to establish the North Carolina Corporation Commission," be and it is hereby amended by inserting after the words "orphan asylums" and before the words "or any department thereof" the words "or homes for the aged and infirm."

Act relating to corporation commission.

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

Conflicting laws repealed.

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

Ratified the 8th day of March, A. D. 1899.

## CHAPTER 643.

An act to allow the commissioners of Mitchell county to levy a special tax.

*The General Assembly of North Carolina do enact:*

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 dollars (\$3,000), one-half to be levied and collected in the year eighteen hundred and ninety nine (1899), the other to be levied and collected in the year nineteen hundred (1900), for the purpose of compromising and settling 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, nineteen hundred and one (1901), or both, as the said board of commissioners may deem proper.

Commissioners of Mitchell county authorized to levy special tax.

SEC. 2. That the special taxes herein provided for shall be levied and collected as other taxes are levied and collected: *Provided*, that no part of the fund to be raised by this act shall be paid out by the board of county commissioners without the concurrence of the finance committee of Mitchell county.

How levied and collected. Proviso.

Money thus raised shall only be paid out with concurrence of finance committee.

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

Ratified the 8th day of March, A. D. 1899.

## CHAPTER 644.

**An act to abolish the second week of the May term of Vance superior court.**

*The General Assembly of North Carolina do enact :*

Certain term of  
Vance county  
court abolished.

SECTION 1. That the second week of the May term of the superior court of Vance county be and the same is hereby abolished, and the said term of court shall begin on the eleventh Monday after the first Monday in March and continue one week only.

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

Ratified the 8th day of March, A. D. 1899.

## CHAPTER 645.

**An act to protect boarding house keepers.**

*The General Assembly of North Carolina do enact :*

Boarding house  
keepers shall  
have lien on  
baggage.

SECTION 1. That every boarding house keeper who furnish board or bed or room to any person shall have the right to retain possession of and a lien upon all baggage or other property of such person that may have been brought to such boarding house until all reasonable charges for such room, bed and board are paid.

When charges are  
not paid property  
may be sold.

SEC. 2. That if such charges are not paid within ten days after they become due then said boarding house keeper is authorized to sell said baggage or other property at the court house door, after first advertising such sale for ten days at said court-house door and three (3) other public places in the county, and out of the proceeds of sale to pay the costs and expenses of sale and all costs and charges due for said board, bed or room, and the surplus, if any, pay to the owner of said baggage or other property.

Written notice of  
sale shall be  
served on owner  
of property.

SEC. 3. That written notice of such sale shall be served on the owner of such baggage or other property ten days before such sale, if such owner be a resident of the state, but if such owner be a non resident of the state or if his residence be unknown, the publication of such notice for ten days at the court house door and three (3) other public places in the county shall be sufficient service of the same.

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

Ratified the 8th day of March, A. D. 1899.

## CHAPTER 646.

**An act to prohibit the manufacture and sale of spirituous, vinous and malt liquors in Cherokee county.***The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person, persons, firm or firms, company or corporation to manufacture or sell any vinous, spirituous or malt liquors in the county of Cherokee: *Provided*, that nothing in this act shall prohibit any person from manufacturing spirits from fruit at any place in said county where the manufacturer of spirituous, vinous and malt liquors are not now forbidden and prohibited from being manufactured by any law, general or private, now in force in this state and in said county: *Provided further*, that such manufacturer of fruit spirits shall be allowed to sell such fruit spirits at his place of manufacture or within one hundred yards of same in quantities of not less than one gallon.

Manufacture and sale of liquors in Cherokee county unlawful.

Proviso.

Shall not prohibit where not prohibited now.

Proviso.

Manufacturers allowed to sell within 100 yards of premises.

SEC. 2. That it shall be unlawful for any person, firm, company or corporation, including railroads and express companies or any express company to deliver any spirituous, vinous or malt liquors at any place in Cherokee county and collect or receive any money or other thing of value for the same: *Provided*, that nothing herein shall be construed to prevent any person or corporation, railroad or express company from collecting his or its freight charges for hauling or transporting any freight or express of whatever kind. Any person, firm, company or corporation violating any provisions of this act shall be guilty of a misdemeanor.

Unlawful to deliver liquors in said county.

Proviso.

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

Ratified the 8th day of March A. D. 1899.

## CHAPTER 647.

**An act to amend chapter one hundred and fifty-six of the acts of eighteen hundred and ninety-five, and chapter three of the acts of eighteen hundred and ninety-seven, by putting the county of Northampton in the circuit criminal court established by said acts.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one of chapter one hundred and fifty-six, public laws of eighteen hundred and ninety-five, be and the same hereby is amended by inserting after the word "Halifax" the word "Northampton."

Section 1, chapter 156, public laws of 1895, amended.

SEC. 2. That one term of said circuit criminal court shall be

One term of criminal court shall be held for Northampton county.

Clerk of superior court, clerk of criminal court.

Criminal actions pending in superior court shall be transferred.

No grand jury shall be drawn after this act goes into effect.

Clerk of court liable on official bond.

Solicitor of criminal court.

held for the county of Northampton, beginning on the second Monday after the first Monday in March, and one on the first Monday in September of each and every year.

SEC. 3. That the clerk of the superior court for Northampton county shall be ex-officio clerk of said circuit criminal court for said Northampton county.

SEC. 4. That after this act goes into effect all criminal actions pending in the superior court for Northampton county shall, by the clerk of said court, be transferred to said circuit criminal court, and every capias or other process in criminal actions pending at that term in the former court shall by this act be made returnable to the latter court, which is hereby given jurisdiction and power to hear, try and determine the same.

SEC. 5. That after this act goes into effect no grand jury shall be drawn for the superior court for Northampton county.

SEC. 6. That the August term of the superior court for Northampton county is hereby abolished.

SEC. 7. That the clerk of the superior court of Northampton county shall be clerk of the said criminal court in said county and be liable on his official bond for all defaults of duty as clerk of said court.

SEC. 8. That the solicitor of the second judicial district of North Carolina shall act as solicitor in all of the terms of the criminal court held in Northampton county and receive the same compensation and fees as he receives for attending and prosecuting in the superior courts.

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

Ratified the 8th day of March, A. D. 1899.

#### CHAPTER 648.

**An act to enable the county commissioners of Edgecombe county to fix the compensation for making out the tax lists.**

*The General Assembly of North Carolina do enact :*

Commissioners authorized to fix amount to be paid for making tax list.

SECTION 1. That the county commissioners of Edgecombe county be and are hereby authorized to fix the amount to be paid for making out the tax list of Edgecombe county.

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

Ratified the 8th day of March, A. D. 1899.

## CHAPTER 649.

An act to prevent the placing of obstructions in Moccasin river to prevent the passage of fish.

*The General Assembly of North Carolina do enact:*

SECTION 1. That no person shall construct a dam, put in a trap, dutch net, wire seine, pound net, pond net, pod net or anything else in Moccasin river between its mouth and Edwards' bridge for the purpose of obstructing the passage of fish in said river:

Certain obstructions in Moccasin river unlawful.

*Provided*, this section shall not apply to seines, setnets, bow or skimming nets, nor fish baskets and small traps without wings, and every person violating this section shall be guilty of a misdemeanor and fined not less than ten nor more than fifty dollars.

Proviso.

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

Ratified the 8th day of March, A. D. 1899.

## CHAPTER 650.

An act to appoint justices of the peace for Moseley Hall township, Lenoir county, North Carolina.

*The General Assembly of North Carolina do enact:*

SECTION 1. That A. W. Kennedy, E. M. Herring and John T. Sutton be and are hereby appointed justices of the peace for Moseley Hall township, Lenoir county, North Carolina.

Justices of the peace for certain township in Lenoir county appointed.

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

Ratified the 8th day of March, A. D. 1899.

## CHAPTER 651.

An act to amend chapter one hundred and thirty-nine, public laws of eighteen hundred and ninety-five.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section three of chapter one hundred and thirty-nine of the public laws of the session of eighteen hundred and ninety-five be and the same is hereby amended by striking out the word "two" in line three of said section and inserting in lieu thereof the word "four."

Requiring four instead of two days work annually on public roads of Buncombe county.

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

Ratified the 8th day of March, A. D. 1899.

## CHAPTER 652.

**An act to amend chapter ninety-two (92), laws eighteen hundred and ninety-five.***The General Assembly of North Carolina do enact :*

Authority given  
sheriff of Bun-  
combe county  
to collect arrears  
extended to Jan-  
uary, 1900.

SECTION 1. That section two (2), chapter ninety-two, laws of eighteen hundred and ninety-five, be amended by striking out "first day of June, eighteen hundred and ninety-six (1896)," and insert in lieu thereof "first day of January, nineteen hundred."

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

Ratified the 8th day of March, A. D. 1899.

## CHAPTER 653.

**An act to prohibit the hunting of birds on any land in Burke county without the consent of the owner.***The General Assembly of North Carolina do enact :*

Unlawful to hunt  
birds without  
consent of owner  
of land.

SECTION 1. That it shall be unlawful for any person to hunt birds on the lands of another in the county of Burke with or without gun or dogs except by the consent of the owner.

Violation of this  
act a misde-  
meanor.

SEC. 2. Any person so offending shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars nor more than ten dollars or imprisoned not more than five days.

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

Ratified the 8th day of March, A. D. 1899.

## CHAPTER 654.

**An act amending section one of chapter two hundred and fifty of the laws of eighteen hundred and ninety-seven.***The General Assembly of North Carolina do enact :*

Section providing  
that courts shall  
not convene in  
Bladen county  
till Tuesday fol-  
lowing first day  
of each of said  
terms amended.

SECTION 1. That chapter two hundred and fifty-six of the public laws of eighteen hundred and ninety-seven be amended as follows: Strike out all of section one after the word "weeks" in line thirty-three down to and including the word "terms" in line thirty-five of said section.

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

Ratified the 8th day of March, A. D. 1899.

## CHAPTER 655.

An act to prevent fishing with pod or pyke nets in certain waters of Pamlico and Tar rivers, and certain of their tributaries.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section three thousand four hundred and seventeen (3,417) of The Code be and the same is hereby amended by adding at the end of the said section the following: "*Provided*, that nothing herein contained shall prevent the using or fishing with pod or pyke nets in the waters of Pamlico and Tar rivers below Willow Point or in any of their tributaries emptying into the said rivers below Willow Point."

Section 3417 of  
The Code  
amended.

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

Conflicting laws  
repealed.

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

Ratified the 8th day of March, A. D. 1899.

## CHAPTER 656.

An act to protect property owners on Rock creek.

*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any person or persons to haul or empty into Rock creek, in Lower Fork township, Burke county, any drift, planks or dust from saw mill or shingle machine.

Unlawful to ob-  
struct Rock  
creek.

SEC. 2. 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.

Violation of this  
act a misde-  
memeanor.

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

Ratified the 8th day of March, A. D. 1899.

## CHAPTER 657.

## An act for the relief of John K. Hughes, sheriff and tax collector of Orange county.

*The General Assembly of North Carolina do enact :*

John K. Hughes, sheriff of Orange county, authorized to collect arrears.

SECTION 1. That John K. Hughes, sheriff of Orange county, be and he is hereby authorized to collect the arrears of taxes due him and the county for the years of eighteen hundred and ninety-nine (1899), eighteen hundred and ninety (1890), eighteen hundred and ninety-one (1891), eighteen hundred and ninety-two (1892), eighteen hundred and ninety-three (1893), eighteen hundred and ninety-four (1894), eighteen hundred and ninety-five (1895), eighteen hundred and ninety-six (1896), eighteen hundred and ninety-seven (1897), under the rules and regulations prescribed by law for the collection of taxes.

When authority given shall cease.

SEC. 2. That the authority hereby given to collect arrears of taxes shall cease and determine on the first day of January, nine teen hundred and one.

Persons holding certain receipts shall not be required to pay tax.

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 one of this act or who shall make an affidavit before any person authorized to administer oaths that the said tax has been paid.

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

Ratified the 8th day of March, A. D. 1899.

## CHAPTER 658.

## An act to appoint justices of the peace for Davidson county.

*The General Assembly of North Carolina do enact :*

Justices of the peace for Davidson county appointed.

SECTION 1. That the persons below named are and the same are hereby appointed justices of the peace for Davidson county for the term of six years from the ratification of this act: W. P. Redwine, for Healing Spring township; W. M. C. Surratt, for Alleghany township; John W. Hatley, for Jackson Hill township.

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

Ratified the 8th day of March, A. D. 1899.

## CHAPTER 659.

An act to restore the school districts of Person county as they existed September twentieth, eighteen hundred and ninety-six.

WHEREAS, the late John C. Terrell, of Person county, by his last will and testament, bearing date September twentieth, eighteen hundred and ninety-six, directed that a school house should be built in each school district in Person county and bequeathed three thousand (\$3,000) dollars to each school district in said county as established at said date:

Preamble.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the school districts in Person county shall be and they are hereby restored in number and territorial boundaries as they existed prior to the passage of chapter one hundred and eight (108) of the public laws of eighteen hundred and ninety-seven (1897), and that in each said school district there shall be a committee of three competent persons to be elected as prescribed by law.

School districts restored.

SEC. 2. That the school committee in each school district shall have the right and the power to locate the sites for the school houses in said school district and to build such other school houses as in their judgment are needed.

School committee shall locate sites.

SEC. 3. That no general school law passed by this or any subsequent general assembly shall be construed to repeal this act or to change said school districts.

This act not repealed by general school law.

SEC. 4. That the management of the schools and the distribution of the school fund in said county shall be governed by the provisions of the general school law, and the provisions of this act shall be construed only to refer to the number and territorial boundaries of the school districts in said county.

Management of school and distribution of school fund.

SEC. 4. That this act shall be in force from and after the first day of July, eighteen hundred and ninety-nine.

Ratified the 8th day of March, A. D. 1899.

## CHAPTER 660.

An act for the relief of certain ex-Confederate soldiers

WHEREAS, there are now in the North Carolina Soldiers' Home a number of ex-Confederate soldiers who have expressed a strong desire to live among their own people; and

Preamble.

WHEREAS, it is represented to the joint committee on pensions that an annual sum less than that required to maintain them at the home will enable them to realize their desire; therefore,

*The General Assembly of North Carolina do enact:*

Certain ex-Confederate soldiers allowed certain relief.

SECTION 1. That the ex-Confederate soldiers herein mentioned shall each be entitled to an amount equal to a fourth-class pension to enable them to make their way to their respective homes, and the auditor is hereby authorized and instructed to draw his warrant on the state treasurer, to be paid out of the pension fund, for such an amount, and the treasurer is authorized and instructed to pay same.

Placed on pension list in lieu of benefits of Soldiers Home.

SEC. 2. That each ex-Confederate soldier herein mentioned, instead of being entitled to the benefits of the Soldiers' Home is hereby placed on the pension roll of the state as a pensioner of the second class, and shall receive annually at the same time and in the same manner as pension warrants are usually sent out from the state auditor warrants for second class pensions.

Persons entitled to benefits of this act.

SEC. 3. That the ex-Confederate soldiers entitled to the provisions of this act shall be:

Eph Frye—Catawba county.  
 A. H. Hannah—Cherokee county.  
 Nathan Bradly—Cumberland county.  
 W. B. Street—Duplin county.  
 H. H. Simms—Durham county.  
 W. L. Farrington—Guilford county.  
 T. W. Harris—Halifax county.  
 Morris Foy—Lenoir county.  
 Elias Abbott—Lenoir county.  
 Lazarus Cross—Martin county.  
 F. J. Cushing—Martin county.  
 David Collins—Nash county.  
 S. Holdin—New Hanover county.  
 T. E. Randolph—Pitt county.  
 R. B. Sumner—Randolph county.  
 David Watkins—Wake county.  
 J. M. Pool—Wake county.  
 Fester Stevens—Wake county.  
 John Cotton—Wayne county.  
 W. N. Gibson—Stokes county.

SEC. 4. This act shall be in force from and after its ratification. Ratified the 8th day of March, A. D. 1899.

## CHAPTER 661.

An act to extend stock law in Tabernacle township, Randolph county.

*The General Assembly of North Carolina do enact:*

Stock law territory in Randolph county extended.

SECTION 1. That the territory embraced within the following described boundaries shall be a stock law territory: Beginning at the point where Back Creek stock law joins that of Trinity

stock law territory; thence west with Trinity stock law line to Uwharrie river; thence down said stream to point where Tabernacle stock law lines enter said stream; thence east with said line to the Hoover Hill road; thence north with Back Creek line to the beginning.

SEC. 2. That from and after fifteenth day of April, eighteen hundred and ninety-nine, it shall be unlawful for any stock to run at large upon any of [the] aforesaid territory, and any person willfully violating this act shall be guilty of a misdemeanor.

Unlawful for stock to run at large in said territory after certain date.

SEC. 3. This act shall be in force from and after the fifteenth day of April, eighteen hundred and ninety-nine.

Ratified the 8th day of March, A. D. 1899.

CHAPTER 662.

An act to furnish certain supreme court reports to Pender county.

*The General Assembly of North Carolina do enact:*

SECTION 1. The secretary of state is hereby directed to furnish the county of Pender with one each of such North Carolina reports, from the first to the seventy-fourth, inclusive, as he may have on hand not otherwise appropriated.

Secretary of state directed to furnish Pender county with certain reports.

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

Ratified the 8th day of March, A. D. 1899.

CHAPTER 663.

An act to restore the stock law to Roanoke township, in Warren county.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the provisions of chapter one hundred and seven of the laws of eighteen hundred and eighty-five, entitled "An act to prevent live stock from running at large in Halifax and Warren counties," shall apply to Roanoke township, in Warren county.

Certain stock law territory extended.

SEC. 2. That chapter four hundred and eighty-five of the laws of eighteen hundred and eighty-nine, and chapter one hundred and forty-one, laws of eighteen hundred and ninety-one, and chapter five hundred and eighty-three, laws of eighteen hundred and ninety-one, be and the same are hereby repealed, and the fees for impounding stock running at large in Warren county shall be the sums named in chapter one hundred and seven of the laws of eighteen hundred and eighty-five.

Chapter 458, laws of 1889, chapter 141, laws of 1891, chapter 480, laws of 1891 repealed.

SEC. 3. This act shall be in force from and after the first day of April, eighteen hundred and ninety-nine.

Chapter 107, laws of 1885, effective.

Ratified the 8th day of March, A. D. 1899.

## CHAPTER 664.

## An act for the benefit of the North Carolina Institution for the education of the deaf and dumb and blind.

*The General Assembly of North Carolina do enact:*

\$15,000 appropriated for 1899 and like amount for 1900 for Deaf, Dumb and Blind School.

SECTION 1. That the sum of fifteen thousand dollars (\$15,000) for the year eighteen hundred and ninety-nine, and fifteen thousand dollars (\$15,000) for the year nineteen hundred be and the same is hereby appropriated for the purpose of paying for new boilers, for the heating plant, for electric light plant, to provide room for white blind girls, to renew the roofs of the main building, to purchase land for garden, for necessary books, to enlarge the dining room, to change the heating apparatus, for necessary repair at the white department, and to complete the dormitory and put steam heat into same at the colored department of the North Carolina Institution for the Education of the Deaf and Dumb and Blind.

\$12,500, special appropriation for 1899 and like amount for 1900.

SEC. 2. That the sum of twelve thousand five hundred dollars per annum for the years eighteen hundred and ninety-nine and nineteen hundred be appropriated for the support and maintenance of said institution in addition to the standing appropriations of forty thousand dollars.

State treasurer authorized to pay said amounts.

SEC. 3. That the state treasurer shall pay out the amounts named in sections one and two (2) of this act to the board of trustees of the North Carolina Institution for the Education of the Deaf and Dumb and the Blind upon the warrant of the auditor.

SEC. 4. This act shall be in force from and after its ratification. Ratified the 8th day of March, A. D. 1899.

## CHAPTER 665.

## An act regulating the use of and for the protection of meridian monuments and standards of measure at the several county seats in North Carolina.

Preamble.

WHEREAS, meridian requirements for determining the variation of the magnetic needle of the compass from the true north, and a standard length for measuring surveyor's chains have already been established in nearly one-half of the counties of the state by the North Carolina Geological Survey and the United States Coast and Geodetic Survey, cooperating with the commissioners in the several counties and similar provision has been

made for establishing such standards at the remaining county seats of the state during the present year; and

WHEREAS, it is of great importance in the making of all surveys of boundaries of lands, townships, counties, etc., that the chains, compasses and other instruments used by surveyors should at intervals be properly tested:

*The General Assembly of North Carolina do enact:*

SECTION 1. That every surveyor operating in any of the counties of this state with magnetic instruments, whether in a public or private capacity, shall between the first day of January and thirty-first day of December in each and every year carefully test his needle upon the official meridiary monuments in the county in which he resides or the nearest county in which such monuments have been erected, by adjusting his instrument over the intersection of the lines cut into the top of one of the meridian monuments by established and sighting to the intersection of the lines cut into the top of the other meridian monuments, noting the variation of the magnetic from the true meridian and the direction thereof, and shall test the chain or other instrument of line or measure upon the distance from centre to centre as indicated by intersecting lines of the two beams, tablets or other official monuments set at or near the county court-house for this purpose, noting the error of such instrument as compared with the standard of the monuments. Such tests and the correction, if any, resulting therefrom shall be returned by the surveyor in writing and under oath to the register of deeds for the county in which such meridian is situate within ten days from the taking of the observations aforesaid, setting forth the name of the surveyor, his residence, the character of the instrument tested, the date of the observations, the declination east or west of the magnetic needle from the true meridian, together with a fee of ten cents for filing and recording the same; and such return shall be filed and recorded by the register of deeds in a book properly ruled and lettered, to be furnished by the board of commissioners of the county, to be used for such purpose exclusively and entitled "the meridian record": *Provided*, that before making surveys in any county other [than] the one in which the magnetic instruments and instruments for line or measure to be used have already been tested, said surveyor shall procure in writing from the register of deeds of the county in which said monuments have been established, nearest to the point where the survey is to be made, a statement giving the declination of the magnetic needle for the year in which it was last determined, and the rate and direction of the variation of said magnetic needle since that time, and this data shall be recorded as a part of the record of his sur-

Surveyors operating with magnetic instruments shall test needle.

Tests shall be returned by surveyor on oath.

Return filed with register of deeds.

Provido.

Surveyor shall obtain statement from register.

vey: *Provided further*, that no surveyor shall be required to go outside of the county in which he resides for the purpose of testing the instruments herein named.

Protection of monuments.

SEC. 2. That it shall be the duty of the board of county commissioners to maintain and protect such meridian monuments and tablets or monuments for the testing of chains or other instruments of line or measure established by the state or national surveys, cooperating with the county authorities in good order and condition as the official standards of the county.

Defacement or injury of monuments a misdemeanor.

SEC. 3. Any person or persons who shall in any manner injure, deface, remove or destroy such monument or tablets or any part thereof, or who shall fail, neglect or refuse to do and perform any act, matter or thing by this act required of him or them to be done, shall be guilty of a misdemeanor, and upon conviction thereof shall pay a fine or be imprisoned, or both, at the discretion of the court for every such offense.

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

Ratified the 8th day of March, A. D. 1899.

## CHAPTER 666.

### Pools, trusts and conspiracies unlawful combinations.

An act providing for the punishment of pools, trusts and conspiracies, and as to evidence and prosecution in such cases.

SECTION 1. Pools and trusts to control prices adjudged a conspiracy.

SEC. 2. Unlawful to issue trust certificates or [to] directors or stockholders of corporations to enter into combinations, etc.

*The General Assembly of North Carolina do enact:*

Corporations becoming parties to trusts, etc., guilty of conspiracy.

SECTION 1. Any corporation organized under the laws of this or any other state or country for transacting or conducting any kind of business in this state, or any partnership or individual or other association of persons whatsoever, who shall create, enter into, become a member of or a party to any pool, trust, agreement, combination, confederation or understanding with any other corporation, partnership, individual or any other person or association of persons, to regulate or fix the price of any article of merchandise or commodity, or shall enter into, become a member of or party to, any pool, agreement, contract, combination or confederation to fix or limit the amount or quantity of any article, commodity or merchandise to be manufactured, mined, produced or sold in this state shall be deemed and adjudged guilty of a conspiracy to defraud, and be subject to penalties as provided in this act.

SEC. 2. It shall not be lawful for any corporation to issue or to own trust certificates, or for any corporation, agent, officer or employee, or the directors or stockholders of any corporation to enter into any combination, contract or agreement with any person or persons, corporation or corporations, or with any stockholder or director thereof, the purpose and effect of which combination, contract or agreement shall be to place the management or control of such combination or combinations, or the manufactured product thereof in the hands of any trustee or trustees, with the intent to limit or fix the price or lessen the production and sale of any article of commerce, use or consumption, or to prevent, restrict or diminish the manufacture or output of any such article: *Provided*, that nothing herein contained shall effect the present investments of charitable or educational institutions.

Unlawful to own or issue trust certificates.

SEC. 3. Any corporation or company, individual, firm or association violating any of the provisions of this act shall forfeit one hundred dollars for each day it shall continue to do so, to be recovered by an action in the name of the state, at the relation of the solicitor, moneys thus recovered to go into the revenue fund of the county in which the cause accrues.

Proviso. Investments for charitable institutions not prevented. Forfeiture of companies or individuals violating this act.

SEC. 4. Any contract or agreement in violation of any provision of the preceding sections of this act shall be absolutely void.

Contracts in violation of this act void.

SEC. 5. Any corporation created or organized by or under the laws of this state, which shall violate any provision of the preceding sections of this act shall thereby forfeit its corporate rights and franchises, and its corporate existence shall, upon proper proof being made thereof in any court of competent jurisdiction in this state, be by the court declared forfeited, void and of non-effect, and shall thereupon cease and determine; and it shall be the duty of the clerk of said court to certify the decree thereof to the secretary of state, who shall take notice and be governed thereby as to the corporate papers of said corporation.

Corporations violating this act shall forfeit franchise.

SEC. 6. This act shall not apply to agricultural products while in the hands of the producer, nor to the lumber interests of the state, neither shall it prevent cotton or woolen mills from regulating the amount of their output or selling the same through an agent.

Certain products to which not applicable.

SEC. 7. In any indictment or information for any offense named in this act it shall be sufficient to state the purposes and effects of the trust or combination and that the accused was a member of, acted with or in pursuance of it, without giving its name or description or how or where it was created.

Indictments or information.

SEC. 8. In proceedings under this act it shall be sufficient to prove that a trust or combination as herein defined exists and that the defendant belonged to it or acted for or in connection

Proof of existence of trust sufficient.

with it, without proving all members belonging to it or producing or proving any articles of agreement or any written instrument on which it may have been based, or that it was evidenced by any written instrument at all, and a preponderance of evidence shall be sufficient to authorize a verdict and judgment for the state.

Fees of solicitor where case is not appealed by defendant corporation.

SEC. 9. In all suits instituted under this act to forfeit charters or corporations, where a judgment of forfeiture is obtained and the cause is not appealed to the supreme court, the superior court rendering such judgment shall allow the solicitor or prosecuting attorney prosecuting the suit a fee of not less than one hundred dollars nor more than five hundred dollars, to be paid out of the assets of said corporation: *Provided*, that in case such cause is appealed to the supreme court and the payment of forfeiture affirmed, the attorney-general shall be entitled to one-half of the fee so allowed by the superior court for his services in prosecuting said cause in the appellate court.

Certain persons to whom this act is not applicable.

SEC. 10. That this act shall not apply to any wholesale or retail merchant or jobber doing business in this state who is not a party to or interested in a trust nor the agent of a trust, nor shall it apply to any fishing, trucking or canning industry in this state, nor to any persons, firms or corporation engaged therein. But no person or firm shall be deemed to be the agent of a trust because of the sale of trust manufactured goods or products when the said person or firm buys said goods or products and sells the same as his or its own property.

Conflicting laws repealed.

SEC. 11. That all laws in conflict with the provisions of this act are hereby repealed.

SEC. 12. That this act shall be in force from and after its ratification.

Ratified the 8th day of March, A. D. 1899.

#### CHAPTER 667.

An act to amend section three thousand six hundred and thirty-five (3635) of The Code.

*The General Assembly of North Carolina do enact:*

Section 3635 of The Code amended.

SECTION 1. That section three thousand six hundred and thirty-five of The Code be amended by inserting after the words "supreme court library" in line seventeen the words "nine copies" in lieu of five.

Secretary of state shall furnish certain reports.

SEC. 2. The secretary of state shall furnish the supreme court library with five copies of all reprints of supreme court reports for use in supreme court library when applied for by the court.

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

Ratified the 8th day of March, A. D. 1899.

## CHAPTER 668.

## An act for the relief of Ella I. Phillips, of Edgecombe county, North Carolina.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the treasurer of the board of education of Edgecombe county is authorized and directed to pay to Ella I. Phillips the sum of twelve dollars and a half for services as teacher in school district number nine of Edgecombe county for white race, upon presentation of an order signed by a majority of school committeemen of said district.

Treasurer of board of education of Edgecombe county authorized to pay certain school claims.

SEC. 2. This act shall be in force from and after its ratification. Ratified the 8th day of March, A. D. 1899.

## CHAPTER 669.

## An act to provide for the investigation of the management of the State Penitentiary and the State Agricultural Department.

WHEREAS, The committee appointed under an act ratified the eighteenth day of January, eighteen hundred and ninety-nine, to investigate the management of the state penitentiary, have been unable to complete its work in time to report to this session of the general assembly; and

Preamble.

WHEREAS, it is deemed advisable to investigate the department of agriculture, and that both of said investigations should be conducted with thoroughness and care; therefore,

*The General Assembly of North Carolina do enact :*

SECTION 1. That a joint committee, consisting of three members, two on the part of the house and one on the part of the senate, be appointed to investigate the condition and management of the state penitentiary, and the department of agriculture of the state for the past four years.

Joint committee ordered appointed.

SEC. 2. That the said joint committee be authorized, empowered and directed to enquire into the financial condition of the said state penitentiary and department of agriculture, with full power and authority to inquire into and investigate any and all charges of fraud, negligence, immorality, incompetency and mismanagement on the part of any officers or employees of said penitentiary and department of agriculture and the farms and institutions in any way connected with or managed by the officers and employees of either of said institutions.

Duties of committee.

May employ necessary assistants.

SEC. 3. That said joint committee be and are hereby empowered to employ competent accountants and stenographers to aid in said investigation; to meet at such times and places as a majority of said committee may elect; to elect a chairman and secretary; to subpoena witnesses and compel their attendance; to enforce the production and examination of books, records and papers under the same forfeitures and penalties as provided by law to compel the attendance of witnesses and the production of papers in the superior court of the state.

May punish for contempt persons refusing to obey subpoenas.

SEC. 4. That the chairman of said joint committee shall have full power to punish for contempt any officer or employee of the state penitentiary or department of agriculture or any other person who shall willfully refuse to obey all subpoenas directing his or their appearance before said joint committee, or who shall willfully fail or refuse to produce any books, papers or records relating to the affairs of the said institutions or either of them.

Time of investigation.

SEC. 5. That the said joint committee are directed to proceed without unreasonable delay to make said investigation and report their findings to the general assembly at its next session.

Empowered to visit said institutions in person.

SEC. 6. That the said joint committee are empowered to visit in person the said state penitentiary and all farms and other institutions in connection therewith, and said department of agriculture, and to make personal investigation and examination of all the books and papers thereof.

Amount appropriated for expenses.

SEC. 7. That all expenses incurred by the said committee, including the remuneration of accountants, stenographers and witnesses, shall be paid by the treasurer of the state out of the funds of the state not otherwise appropriated, upon the warrant of the chairman, countersigned by the secretary of said joint committee. That the members of said committee be paid four dollars per day each and five cents per mile for distance travelled, to be paid in the manner above provided.

Persons subpoenaed failing to appear guilty of a misdemeanor.

SEC. 8. That any person who shall willfully fail and refuse to attend and testify before said committee after having been subpoenaed to do so, shall be guilty of a misdemeanor, and upon conviction in the superior court of any county in North Carolina where he may be found he shall be fined not less than one hundred dollars nor more than one thousand dollars and imprisoned in the discretion of the court: *Provided*, that the testimony given by any such witnesses shall not be used against him in any criminal prosecution.

Conflicting laws repealed.

SEC. 9. That all laws and clauses of laws in conflict with this act shall be and the same are hereby repealed.

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

Ratified the 8th day of March, A. D. 1899.

## CHAPTER 670.

## An act to protect water supplies.

*The General Assembly of North Carolina do enact :*

SECTION 1. In the interest of the public health every person or company selling water to the public for drinking and household purposes shall take every reasonable precaution to protect from contamination and assure the healthfulness of such water; and any provisions in any charters heretofore granted to such persons or companies in conflict with the provisions of this act are hereby repealed.

Certain waters protected from contamination.

SEC. 2. Those water companies deriving their supply from lakes or ponds or from small streams not more than fifteen miles in length shall have a sanitary inspection of the entire watershed not less under any circumstances than once in every three calendar months and a sanitary inspection of any particular locality on said watershed at least once in each calendar month, whenever in the opinion of the board of health of the city or town to which the water is supplied, or when there is no such local board of health in the opinion of the county superintendent of health or in the opinion of the state board of health, there is reason to apprehend the infection of the water by that particular locality. Said companies shall have made a sanitary inspection of any particular locality on said watershed at least once in each week whenever in the opinion of the board of health of the city or town to which the water is supplied, or when there is no such local board of health in the opinion of the county superintendent of health, or in the opinion of the state board of health, there is special reason to apprehend the infection of the water from that particular locality by the germs of typhoid fever or cholera.

Sanitary inspection to be made of watershed.

Protection against typhoid fever or cholera.

The inspection of the entire watershed as herein provided for shall include a particular examination of the premises of every inhabited house on the watershed, and in passing from house to house a general inspection for dead bodies of animals or accumulations of filth. It is not intended that the phrase "entire watershed" shall include uninhabited fields and wooded tracts that are free from suspicion.

Examination of inhabited houses. Definition of "entire watershed"

The inspection shall be made by an employee of and at the expense of said water company in accordance with reasonable instructions as to method to be furnished by the secretary of the state board of health. The said sanitary inspector shall give in person to the head of each household on said watershed, or in his absence to some member of said household, the necessary directions for the proper sanitary care of his premises. It shall further be the duty of said inspector to deliver to each family

Expense of inspection, by whom borne.

Householder on watershed to be furnished with directions as to care of premises.

residing on the watershed such literature on pertinent sanitary subjects as may be supplied him by the municipal health officer or by the secretary of the state board of health.

Section 2 applicable to fifteen miles of watershed.

SEC. 3. In case of those companies obtaining their supply of water from rivers or large creeks having a minimum daily flow of ten million gallons the provisions of section two shall be applied to the fifteen miles of watershed draining into the said river or creek next above the intake of the water works.

Penalty.

SEC. 4. Failure on the part of any water company to comply with the requirements of sections two and three shall be punished by a deduction from any charges for water against the city or town supplied of twenty-five dollars for each and every such failure: *Provided*, that in no one year shall the sum of such forfeitures exceed five hundred dollars. When the water works are owned and operated by the city or town failure on the part of the municipal officials having in charge the management of the water works to comply as above shall be a misdemeanor and punished by a fine of not less than ten nor more than twenty five dollars or by imprisonment for not less than ten nor more than thirty days: *Provided*, the said official do not prove to the satisfaction of the court that in spite of reasonable effort and diligence on his part he was prevented directly or indirectly by his superiors from doing his duty in this respect, in which case said superior officer or officers shall be deemed guilty of a misdemeanor and punishable by a fine of not less than fifty [nor] more than two hundred dollars or by imprisonment for not less than one nor more than six months.

Proviso.

Duty of official when works owned by city or town; penalty. Proviso.

SEC. 5. Every city or town having a public water supply shall at its own expense have made at least once in every three months by one of its own officials a sanitary inspection of the entire watershed of its water supply, and it shall be the duty of the said official making such inspection to report to the mayor any violation of this act.

Sanitary inspection to be made every three months, when.

SEC. 6. Every water company, whether owned by private individuals or corporations or by the municipality, shall have made not less frequently than once in every three months at its own expense both a chemical and bacteriological examination of a sample of its water drawn from a faucet used for drinking purposes, packed and shipped in accordance with the instructions to be furnished by the secretary of the state board of health: *Provided*, that when a supply is from artesian wells the analysis shall be made in the discretion of the secretary of the state board of health, but not oftener than once in each year at the expense of the water company.

When chemical and bacteriological examination to be made.

Proviso.

SEC. 7. As a check and guarantee of the faithful performance of the requirements laid down in the preceding section of this

Duty of state board of health.

Let the state board of health shall make or have made by its authorized agents such inspections of the watersheds and such chemical and bacteriological examinations of the public water supplies of the state as may be deemed necessary to insure their purity. Should such inspections or examinations show conditions dangerous to the public health the secretary of the state board of health shall notify the mayor, the municipal health officer and the superintendent or manager of the water works at fault and demand the immediate removal of said dangerous conditions. If at the end of thirty days after the service of said notice and demand the said dangerous conditions have not been removed to the extent that due diligence could accomplish such removal, the said secretary shall have printed in one or more of the local newspapers a plain statement of the facts for the information and protection of the citizens using the water.

If water found to be dangerous city official and manager of water-works to be notified.

Publication of condition of water to be made, when.

SEC. 8. Each sanitary inspector herein provided for is hereby authorized and empowered to enter upon any premises and into any building upon his respective watershed for the purpose of making the inspections herein required.

Inspector may enter upon premises or into buildings.

SEC. 9. This act shall be in force from and after its ratification. Ratified the 8th day of March, A. D. 1899.

CHAPTER 671.

An act to provide a dispensary for the town and township of Bethel, Pitt county, North Carolina.

*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 Bethel, in Pitt 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 one hundred dollars nor more than five hundred dollars, or both fine and imprisonment, in the discretion of the court, for each offense: *Provided*, it shall not be unlawful for the manufacturer of brandy from fruits and of domestic wines to sell and deliver himself brandy or domestic wines of his own manufacture: *Provided*,

Prohibition of all kinds of liquors in Bethel, Pitt county.

Penalty.

Proviso.

such brandy or wines are not sold in quantities less than one quart and are not drunk on the premises where sold.

Board of dispensary commissioners, who to constitute; term of office.

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 crime by said board of control; said board of control shall fill all vacancies in said board of commissioners caused by death, resignation or removal.

Where dispensary to be established; liquors to be tested.

SEC. 3. Said dispensary commissioners shall establish and maintain at some point on one of the principal business streets of said town of Bethel 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 therefore; 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 commissioner shall cause all spirituous and vinous liquors offered for sale to said dispensary to be put into packages of not less than one 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 purchased by said commissioners, condemned by the chemist making the analysis as impure and unwholesome, all liquors of the same kind and shipment as that to be tested shall be condemned and none of it shall be sold by said dispensary and payment therefor shall be refused to the said 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

Proviso.

Size of packages. Impure liquors to be condemned.

Manager to be elected; oath.

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 five hundred dollars, conditional [ed] that he or they will well and truly obey they [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 condition 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 provision of this act; all moneys collected for the breach 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.

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 barrels, and such malt liquors may be sold by 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 the said prem-

Manager to give bond.

Moneys realized from breach of bond, how distributed. Salary of manager.

Commissioners to make rules and regulations. Proviso.

Packages not to be broken on premises. Proviso.

Not to be drunk on premises. Dispensary open only in daytime.

ises. The dispensary shall be open and said liquors shall be sold therein only in the daytime under such rules as said commissioners may adopt: *Provided*, the dispensary shall be closed on Sundays, election days and such other days as said commissioners shall direct.

Price of liquors to be fixed by commissioners. Proviso.

<sup>Sec. 5.</sup> SEC. 5. The price 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 centum of the actual cost thereof.

Liquors not to be sold for purpose of selling again in township.

SEC. 6. Said manager or managers of said dispensary shall not sell liquors to any minors or intoxicated person nor to any person purchasing for the purpose of selling, bartering or exchanging said liquors 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 reselling, bartering or exchanging the same shall be guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than fifty dollars nor more than two hundred dollars or imprisoned 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 commissioners become satisfied that any person has purchased or is purchasing for the purpose of reselling, 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 reselling, said commissioners are authorized to direct the manager or managers not to sell to such person except upon the certificate of a respectable physician that such liquors are needed for medical purposes.

Penalty.

When liquors to be sold only on physician's certificate.

Loitering not allowed; penalty.

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.

Town ordinances to be passed to carry out provisions of this act

SEC. 8. The mayor and board of town commissioners of said town of Bethel 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 violation of this act and the rules and regulations of the dispensary commissioners.

Regulations as to druggists.

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

can not 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, device or form which may be used as a beverage or is intoxicating in its character.

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 one dollar nor more than twenty-five dollars or imprisoned in the county jail not less than three nor more than thirty days.

False statement to secure liquors; 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 one hundred dollars nor more than five hundred dollars or by imprisonment for not less than three months nor more than twelve months in the county jail.

Club-rooms not allowed; 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 treasuries out of the profits arising from said dispensary, and hereafter said dispensary shall be supported and maintained out of the profits arising from sales in said dispensary: *Provided*, 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.

Appropriations for dispensary to be made by county and town commissioners.

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 appropriation herein provided for out of any money in the respective treasuries, and if necessary to levy and collect tax for that purpose

When and to whom manager of dispensary to account for liquors and moneys received.

SEC. 13. The said manager or managers of said dispensary shall on Monday of each week pay over to the said dispensary commissioners all money 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 book 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 the 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 month 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 three-eighths ( $\frac{3}{8}$ ) 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 three eighths ( $\frac{3}{8}$ ) part awarded the county, may be appropriated by the board of county commissioners to any purpose that they may lawfully appropriate money for.

Apportionment of profits.

Profits may be appropriated by town and county respectively.

Who ineligible for dispensary commissioner or manager.

SEC. 14. Every person holding any office or position of any kind under the charter of [or] ordinances of the said town of Bethel and the county officers of Pitt county shall be ineligible for appointment as 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.

SEC. 15. The dispensary commissioners shall give bonds with good and sufficient sureties, payable to the county treasury in such sums as may be fixed by said board of control, conditional 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 one hundred dollars per annum.

Dispensary commissioners to give bond.

SEC. 16. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed, and that section three thousand one hundred and eleven of The Code is hereby repealed as to its application to this act.

Code, section 3111, repealed.

SEC. 17. That this act shall not go into effect until ratified by a majority of the qualified voters of Bethel township in said county. That the county commissioners of said county shall order an election on the first Thursday in August, eighteen hundred and ninety-nine, and all those who are in favor of a dispensary shall vote a written or printed ticket with the words "For dispensary," and those wishing to vote against dispensary shall vote a written or printed ticket with the words "Against dispensary." If at such election a majority of the qualified voters of said township shall vote "For dispensary," then this act shall be in full force and effect; but if a majority of said voters [votes] shall be cast "Against dispensary," then this act shall be null and void.

Act not to go into effect until ratified by majority of voters of township. Form of ballot.

Ratified the 8th day of March. A. D. 1899.

## CHAPTER 672.

**An act to authorize the city of Wilmington and county of New Hanover to lease or purchase the Brunswick bridge and ferry.**

*The General Assembly of North Carolina do enact :*

SECTION 1. That upon written petition of three hundred voters of the city of Wilmington, North Carolina, the board of aldermen of the said city of Wilmington or the commissioners of New Hanover county, or both, may and they are hereby empowered to make such contract for the lease of the ferries, road, property and franchises of the Brunswick Bridge and Ferry Company as they may deem proper for a term not to exceed thirty years: *Provided*, the price paid for said lease shall not exceed seven hun-

City of Wilmington and county of New Hanover authorized to lease property, etc., of Brunswick Bridge and Ferry Company.

Proviso.

dred and fifty dollars per year. Or if they deem it to be the best interest to purchase the above property they are hereby authorized and empowered to do so at a cost not exceeding twelve thousand five hundred dollars and to operate it as specified hereinafter.

Ferry across Cape Fear river, etc., may be established.

SEC. 2. That after the aforesaid board of aldermen or commissioners of New Hanover county, or both, will have a contract for the lease or purchase of the aforesaid property, it shall be the duty of the said board of aldermen of the city of Wilmington or the commissioners of New Hanover county, or both, to make or cause to be made such contracts as may be necessary for the speedy establishment and maintenance of a ferry across Cape Fear river, a good road over Eagles island, and to keep in good and safe condition the bridge across Brunswick river, to be kept up by the city of Wilmington or county of New Hanover, or both.

Ferriage charges.

SEC. 3. That said board of aldermen or county commissioners, acting for the city of Wilmington and county of New Hanover, may charge the following prices for ferriage: They may charge not to exceed one cent for each wheel on all vehicles and one cent for each person, horse, mule, and one cent per head for cattle, sheep, goats, hogs and other animals that may cross or be conveyed over either Brunswick or Cape Fear river, and there shall be no extra charge for loaded vehicles, or they may make it a free ferry if in their judgment it shall appear wise to do so.

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

Ratified the 8th day of March, A. D. 1899.

#### CHAPTER 673.

**An act to appoint W. J. Ross a justice of the peace for Harris township, in Stanly county.**

*The General Assembly of North Carolina do enact:*

W. J. Ross appointed justice of the peace for Harris township, Stanly county.

SECTION 1. That W. J. Ross be and he is hereby appointed a justice of the peace for Harris township, in Stanly county, for the term of six years, beginning on the first day of April, eighteen hundred and ninety-nine.

SEC. 2. That this act shall be in force from and after the first day of April, eighteen hundred and ninety-nine.

Ratified the 8th day of March, A. D. 1899.

## CHAPTER 674.

An act to amend chapter three hundred and ninety-five of the public laws of eighteen hundred and ninety-seven.

*The General Assembly of North Carolina do enact:*

SECTION 1. That so much of chapter three hundred and ninety-five of the public laws of eighteen hundred and ninety seven as applies to Reedy Branch church, in Pitt county, be and the same is hereby repealed. Act relating to sale of liquor near certain churches.

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

Ratified the 8th day of March, A. D. 1899.

## CHAPTER 675.

An act to amend chapter nine, section one of the public laws of eighteen hundred and ninety-seven, concerning the May term of Alamance superior court.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter nine of the public laws of North Carolina of eighteen hundred and ninety-seven be amended as follows: In line seven (7) of section one (1) after the word "September," under the heading as to time of holding the courts of Alamance county and before the word "at," insert the words, "and the term beginning on the fifteenth Monday after the first Monday in February." May term of Alamance court for trial of civil actions only.

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

Ratified the 8th day of March, A. D. 1899.

## CHAPTER 676.

An act for the protection of foxes in Alleghany county.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person to shoot and kill a fox in the county of Alleghany for the space of two years next after March first, eighteen hundred and ninety-nine, and every person so killing any fox shall be guilty of a misdemeanor, and upon conviction shall be fined not to exceed fifty dollars or imprisoned not to exceed thirty days. Foxes protected for two years.

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

Ratified the 8th day of March, A. D. 1899.

## CHAPTER 677.

**An act to appropriate funds for the support and maintenance of the North Carolina School for the Deaf and Dumb.***The General Assembly of North Carolina do enact :*

\$40,000 appropriated for North Carolina School for Deaf and Dumb.

SECTION 1. That the sum of forty thousand dollars (\$40,000) be and the same is hereby annually appropriated for the support and maintenance of the North Carolina School for the Deaf and Dumb.

\$7,000 appropriated for industrial department.

SEC. 2. That the sum of seven thousand dollars (\$7,000) be and the same is hereby appropriated for the purpose of building an addition to the industrial department and putting in steam heating and plumbing and electric lighting in the new school building and installing cold storage apparatus.

Conflicting laws repealed.

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

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

Ratified the 8th day of March, A. D. 1899.

## CHAPTER 678.

**An act to amend chapter fifty-seven of the public laws of eighteen hundred and eighty-one.***The General Assembly of North Carolina do enact :*

Relating to fences in Harnett county.

SECTION 1. That chapter fifty-seven of the public laws of eighteen hundred and eighty-one be amended as follows: Add to section one of said chapter: That a good and sufficient fence at least five feet high shall be run from McNeill's ferry, on the Cape Fear river, along the western edge of the public road to the fork where the Dunn road diverges from the telegraph road; then with the Dunn road to the McBrydy mill road near the residence of George E. Byrd; then with the McBrydy mill road to the point where the present stock law fence diverges from said road, so as to connect the fence provided for in this act with the present fence.

Control and management.

SEC. 2. That the fence provided for in this act shall be under the control and management and subject to all the conditions provided for in said chapter for the territory now embraced in the fence provided for in said chapter.

SEC. 3. That the persons and property included in the territory covered by the fence provided for in this act shall be taxed to build the same, as is provided for in said chapter fifty-seven for the tax on the residents and property within the former territory and to build the present fence.

Persons and  
property taxed.

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

Ratified the 8th day of March, A. D. 1899.

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#### CHAPTER 679.

##### An act for the maintenance of the State's Prison of North Carolina.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the sum of fifty thousand dollars be and the same is hereby appropriated for the maintenance and support of the State's Prison of North Carolina for each of the years eighteen hundred and ninety nine and nineteen hundred, to be paid by the state treasurer upon the order of Edward Q. Travis, W. H. Osborne and William C. Newland or any two of them, or in case of their inability to act, upon the written order of any three of the directors of the State's Prison of North Carolina designated by the board of directors thereof.

\$50,000 appropri-  
ated for each of  
the years of  
1899 and 1900  
to State's Prison.

SEC. 2. That the said money shall be paid out in the method above pointed out and not otherwise.

How money paid  
out.

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

Ratified the 8th day of March, A. D. 1899.

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#### CHAPTER 680.

##### An act in relation to probate of wills.

*The General Assembly of North Carolina do enact :*

SECTION 1. That in all cases of the probate of any will heretofore made in common form before any clerk of the superior courts of this state, where the testimony of the subscribing witnesses has been taken in the state or out of it by any commissioner appointed by said clerk or taken by any other clerk of the superior court in any other county of this state, and the will admitted to [be] probated by the clerk upon such testimony, the said proceedings shall be and are hereby validated and the probate of such will in common form shall be and is hereby declared in all respects regular.

Probate of cer-  
tain wills vali-  
dated.

Subscribing witness to will when dead or absent, what admitted in evidence.

SEC. 2. Whenever the subscribing witness to any will shall die or be absent beyond the state it shall be competent upon any issue of caveat vel non tried in superior court to give in evidence the affidavits and proofs taken by the clerk upon admitting the will to probate in common form, and such affidavits and proceedings before the clerk shall be prima facie evidence of the due and legal execution of said will.

Act not to apply to pending issues.

SEC. 3. This act shall not apply to any issue or caveat now pending for trial in the superior courts of the state.

SEC. 4. This act shall be in force from and after its ratification. Ratified the 8th day of March, A. D. 1899.

#### CHAPTER 681.

An act to provide for the election of a tax collector for Charlotte township, county of Mecklenburg.

*The General Assembly of North Carolina do enact :*

Tax collector to be elected for Charlotte township, Mecklenburg county.

SECTION 1. That a tax collector shall be elected for Charlotte township, Mecklenburg county, North Carolina, at the next regular election for members of the general assembly and every two years thereafter. The person so elected at the next regular election and their successors shall hold office for the terms now regulated by law for sheriffs.

Failure to give bond, office to be declared vacant.

SEC. 2. That the tax collector for Charlotte township, Mecklenburg county, elected under section one of this act, shall file with the board of county commissioners of Mecklenburg county all bonds now required to be filed by the sheriffs for the collection of taxes, said bonds to be approved and conform in all respects to the laws relating to the bonds of sheriffs given for the collection of taxes. And in case any person elected tax collector for Charlotte township, Mecklenburg county, 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 for Charlotte township, Mecklenburg county, vacant and proceed to fill the same according to the law as it now exists when sheriffs fail to file their tax bonds, and said tax collector for Charlotte township, Mecklenburg county, is hereby invested with all the rights and powers prescribed by law for the collection of taxes by sheriffs.

When county commissioners may elect.

SEC. 3. That if for any reason the office of tax collector for Charlotte township, Mecklenburg county, should become vacant, then and in that event the said board of county commissioners shall elect a tax collector for Charlotte township, Mecklenburg

county, for the said current term. When such tax collector for the said current term shall have filed his bonds and they shall have been approved by the said board of county commissioners he shall enter upon the discharge of the duties of said office and shall continue to discharge the same until his successor shall have been duly elected and qualified. That the tax collector for Charlotte township, Mecklenburg county, provided for in this act shall only be required to file bonds for the collection of and shall only collect general and special, state, county, school and convict taxes—all license taxes, that is privilege tax for carrying on a trade or practicing a profession, etc., shall be collected by the sheriff of Mecklenburg county, who shall issue all licenses required for such purposes; and all other taxes other than those above enumerated to be collected by the tax collector for Charlotte township, Mecklenburg county shall be collected by the sheriff of Mecklenburg county and the said sheriffs of Mecklenburg county shall collect all general and special state, county, school and convict tax in the townships of Mecklenburg county other than Charlotte township, and the said sheriffs shall be subject to all laws that now exist and is hereby invested with all the rights and powers prescribed by law for the collection of taxes by sheriffs and shall collect the taxes in said townships other than Charlotte township, Mecklenburg county.

Shall collect only general and special state, county, school and convict taxes.

Sheriff to collect all other taxes.

SEC. 4. That this act shall in no way apply or affect the present tax collectors for Mecklenburg county. For collection of tax under this act the county commissioners shall fix compensation not over five per centum (5 per centum) for state purposes and two and one-half (2½) per centum for county purposes.

Not to apply to present tax collectors; compensation.

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

Conflicting laws repealed.

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

Ratified the 8th day of March, A. D. 1899.

#### CHAPTER 682.

An act to review, lay out and amend the public road from Miller's Creek Post-office, in Wilkes county, to Creston Post-office, in Ashe county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the provisions of chapter three hundred and sixty four, public laws of eighteen hundred and ninety three, being an act to review, lay out and amend the public road from Miller's Creek Post-office, in Wilkes county, to Creston Post-office, in Ashe county, be and the same are hereby extended for two years from the ratification of this act.

Time extended two years for reviewing and laying out public road from Miller's creek P. O., Wilkes county, to Creston P. O., Wilkes county.

Original survey retained.  
Neglect of duty by overseer a misdemeanor.

Certain portions of road to be restaked.

SEC. 2. That said road be built on the original survey.

SEC. 3. That it shall be a misdemeanor for an overseer to neglect his duty and punishable by fine of fifty dollars, half to go to the public school fund.

SEC. 4. That E. E. Phillips, of Ashe county, and J. F. Somers, of Wilkes county, former commissioners, and L. M. McGlamery, of Wilkes county, be appointed to restake that portion of the second section of the survey from the foot log below M. C. Watts to L. M. McGlamery's, where the stakes have rotted down and the survey lost.

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

Ratified the 8th day of March, A. D. 1899.

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#### CHAPTER 683.

An act to amend chapter seventy (70), section twelve, of the laws of eighteen hundred and eighty-three.

*The General Assembly of North Carolina do enact :*

Chapter 70, section 12, laws of 1883, regarding fences in Lenoir and Greene counties, amended.

SECTION 1. That chapter seventy, section twelve, of the laws of eighteen hundred and eighty-three be and the same is hereby amended by adding after the word "act" at the close of section twelve the following: "Except that portion of Neuse river, in the county of Lenoir, from the Confederate blockade on said river to as near Becton's landing on said river as practicable (say to the lower corner of B. W. Canadey's field)": *Provided*, that the land owners along said river within this exception shall donate to the board of county commissioners of Lenoir county all the fence or fences now along the north side of said river, also such timber as may be needed for the repairs of the same.

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

Ratified the 8th day of March, A. D. 1899.

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#### CHAPTER 684.

An act to make appropriations for the State Hospitals.

*The General Assembly of North Carolina do enact :*

\$55,000 per annum appropriated for State Hospital at Raleigh.

SECTION 1. That the sum of fifty-five thousand dollars per annum be and is hereby appropriated for the support of the patients in the State Hospital at Raleigh and the necessary repairs and improvements.

SEC. 2. That the sum of twelve thousand and forty-nine ninety-

five one hundredth dollars (\$12,049.95-100) be and is hereby appropriated for the State Hospitals at Raleigh for the following purposes, to-wit: Six thousand five hundred and forty-nine ninety-five one-hundredth dollars (\$6,549.95-100) to pay outstanding indebtedness, and five thousand five hundred dollars (\$5,500) to enlarge barn and stables, repair and coping around administration building, to change water supply and for store room and cold storage plant.

Additional appropriation.

SEC. 3. That the sum of ninety thousand dollars per annum be and is hereby appropriated for the support of the patients at the State Hospital at Morganton and the necessary repairs and improvements.

\$90,000 per annum appropriated for State Hospital at Morganton.

SEC. 4. That the sum of ten thousand dollars (\$10,000) for the year eighteen hundred and ninety-nine, and ten thousand dollars (\$10,000) for the year nineteen hundred, be and is hereby appropriated for the State Hospital at Morganton for a building for the use of female patients and a building for colonizing male patients.

Additional appropriation.

SEC. 5. That the sum of forty-five thousand dollars (\$45,000) per annum be and is hereby appropriated for the support of the patients at the State Hospital at Goldsboro and the necessary repairs and improvements.

\$45,000 per annum appropriated for State Hospital at Goldsboro.

SEC. 6. That the appropriations herein made for the support and repairs and improvements and for the purposes mentioned in preceding sections of this act for the State Hospitals at Raleigh, Morganton and Goldsboro shall be drawn out by the auditor upon his warrant and be placed by the treasurer to the credit of the said hospitals for which said appropriations are made respectively.

Above amounts to be drawn out by the auditor.

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

Conflicting laws repealed.

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

Ratified the 8th day of March, A. D. 1899.

## CHAPTER 685.

### An act allowing the commissioners of Craven county to sell Nelson's ferry.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the board of commissioners of Craven county be and the same is hereby authorized and empowered to re-establish Nelson's ferry across Neuse river, in Craven county, as a pay or toll ferry.

Nelson's ferry across Neuse river, in Craven county, re-established.

County commissioners empowered to sell.

SEC. 2. That the said board of county commissioners shall be and the same is hereby authorized and empowered to sell said Nelson's ferry for a price to be agreed upon between said board of commissioners and any proposed purchaser.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this act will 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. 1899.

#### CHAPTER 686.

**An act to declare Lower Little river, in Cumberland county, a lawful fence.**

*The General Assembly of North Carolina do enact :*

Lower Little river, Cumberland county, declared a lawful fence.

SECTION 1. That Lower Little river (the dividing line between Harnett and Cumberland counties), from McNeill's bridge on the Fayetteville and Lillington road to the railroad bridge at Manchester, Cumberland county, is hereby declared to be a lawful fence.

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

Ratified the 8th day of March, A. D. 1899.

#### CHAPTER 687.

**An act to authorize the Railroad Commission, the North Carolina Corporation Commission, or such board as shall succeed to their duties, to assess property which has escaped taxation.**

*The General Assembly of North Carolina do enact :*

Railroad Commission, North Carolina Corporation Commission, etc., may assess property which has escaped taxation.

SECTION 1. That where any railroad, telegraph, canal, steamboat, express sleeping car, car trust or other transportation company or company owning rolling stock has omitted or in any future year shall omit to return for taxation any property which was or is liable to taxation in this state, it shall be the duty of the board of railroad commissioners or the North Carolina Corporation Commission, or such board as shall succeed to their duties, to value and assess the same for taxation for the years in which it shall have so escaped taxation, not exceeding five years prior to the current year, at the time when they value and assess other railroad property for taxation, and to certify the same in like

manner as they are required by law to value, assess and certify other railroad property to the proper officers, noting thereon the several years for which the said property is so assessed, and also noting that it is subject to an additional tax of twenty-five per centum for each of said years, which additional tax must be computed and collected by the proper officers.

SEC. 2. This act shall be in force from and after its ratification. Ratified the 8th day of March, A. D. 1899.

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CHAPTER 688.

**An act supplemental and amendatory to an act entitled "An act to abolish the board of railroad commissioners, and to establish the North Carolina Corporation Commission."**

*The General Assembly of North Carolina do enact :*

SECTION 1. That section thirty-two of said act is hereby amended by adding at the end of said section the following: *And provided further*, whenever by reason of extraordinary efficiency or fitness that may be required to discharge the duties of the office of the clerk properly, efficiently and satisfactorily to the commission, and the amount provided for in section thirty-two of this act should be inadequate to obtain this service, the commission may allow and pay to the clerk of said commission out of the remainder of said fund an extra allowance above his regular salary in such manner as in their judgment they may deem expedient: *Provided*, that the amount expended under this act shall not exceed three hundred dollars.

Additional compensation for clerk to Corporation Commission.

SEC. 2. This act shall be in force from and after its ratification. Ratified the 8th day of March, A. D. 1899.

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CHAPTER 689.

**An act to amend chapter one hundred and ten, public laws of eighteen hundred and eighty-three, and to shorten the fence between the stock law territory in Number Seven township, Craven county.**

*The General Assembly of North Carolina do enact :*

SECTION 1. That section three, chapter one hundred and ten, public laws of eighteen hundred and eighty-three, be amended as follows: Strike out from word "and" in line three to end of section and insert in lieu thereof the following: Beginning at a point on Brice's creek, known as "Stough Hill bridge," running

Act to amend chapter 110, public laws of 1883, and to shorten the fence between stock law territory in No. 7 township, Craven county.

thence a northerly direction to the nearest point on Neuse river, excepting, however, from the said portion of Craven county, and from the operation of said act as amended by this act the following territory, to wit: Beginning at the east end of Clement bridge on the east side of Trent river and running thence south seventy-nine and one-half degrees east four hundred and nine and six-tenth poles along the old public road; thence north twenty-eight degrees east seventy one and one-half poles to Scott's creek; thence down and with said creek to its mouth; thence up and with Neuse river to the mouth of Neuse river; thence up and with Trent river to the beginning, including the water fronts to the channel of both of said rivers.

Enclosed lots in James City subject to tax.

SEC. 2. That section five of said chapter one hundred and ten be amended by striking out from the word "provided" in line fifteen to the end of section.

SEC. 3. This act shall be in force from and after its ratification. Ratified the 8th day of March, A. D. 1899.

#### CHAPTER 690.

An act to authorize the board of directors of the State Prison of North Carolina to hire convicts to the counties of Buncombe and Rowan.

*The General Assembly of North Carolina do enact:*

State Prison convicts may be hired to certain counties.

SECTION 1. That the board of directors of the State Prison of North Carolina are hereby authorized to furnish to the counties of Buncombe, Jackson, Rowan, Union, Guilford, Alamance, Catawba, Lenoir, Davidson, Cabarrus, Forsyth, Granville, Haywood, Pender and Johnston respectfully [respectively] upon the application of the respective boards of commissioners of said counties such number of able-bodied convicts confined in said State Prison as in the judgment of said board of directors can be properly furnished to said counties or either of them.

Cost of transportation and maintenance of convicts borne by said counties.

SEC. 2. That the said convicts so furnished shall be put to such labor as the said boards of commissioners shall respectfully [respectively] determine, and the said counties shall pay all costs of transportation of the convicts so respectively furnished said counties or either of them to and from the said State's Prison, and shall also in all respects maintain and support said convicts while in their possession, including all necessary clothing and medical expenses.

SEC. 3. This act shall be in force from and after its ratification. Ratified the 8th day of March, A. D. 1899.

## CHAPTER 691.

**An act for the relief of Wm. Gambill, late sheriff of Alleghany county.**

*The General Assembly of North Carolina do enact :*

SECTION 1. That William Gambill, late sheriff of Alleghany county, be and he is hereby authorized and empowered to collect all arrearage of taxes due him for the years eighteen hundred and ninety-two—eighteen hundred and ninety-six inclusive, in said county, and shall have power to levy and distrain for the collection of the same in the same manner as under the then existing laws for the collection of taxes.

William Gambill, late sheriff of Alleghany county, authorized to collect arrearages of taxes.

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

Ratified the 8th day of March, A. D. 1899.

## CHAPTER 692.

**An act to authorize Thomas K. Miller, late sheriff of Ashe county, to collect back taxes.**

*The General Assembly of North Carolina do enact :*

SECTION 1. That Thomas K. Miller, late sheriff of Ashe county, be and he is hereby authorized and empowered to collect the arrearage of taxes due by persons in said county for the years eighteen hundred and eighty-nine and eighteen hundred and ninety under the laws existing for such years, with full power to levy and distrain for taxes under the law in force in said years in all respects as if the said taxes were now due.

Thos. K. Miller, late sheriff of Ashe county, authorized to collect back taxes.

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

Ratified the 8th day of March, A. D. 1899.

## CHAPTER 693.

**An act to appoint A. C. Privett a justice of peace.**

*The General Assembly of North Carolina do enact :*

SECTION 1. That A. C. Privett be and is hereby appointed and elected a justice of peace for Dunn's township, Franklin county. His term of office shall begin September first, eighteen hundred and ninety-nine, and continue for four years.

A. C. Privett appointed a justice of the peace for Dunn's township, Franklin county.

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

Ratified the 8th day of March, A. D. 1899.

## CHAPTER 694.

An act to authorize the speaker of the house of representatives to appoint five additional commissioners to represent the state of North Carolina at the Paris exposition of nineteen hundred.

*The General Assembly of North Carolina do enact:*

Five additional commissioners appointed for Paris exposition of 1900.

SECTION 1. That the speaker of the house of representatives be and is hereby authorized and directed to appoint five additional commissioners to represent the state of North Carolina at the Paris exposition of nineteen hundred.

Same compensation as commissioners heretofore appointed.

SEC. 2. That such commissioners serve in such capacity without compensation and under the same terms and conditions as commissioners heretofore provided for by the act and resolutions of this legislature.

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

Ratified the 8th day of March, A. D. 1899.

## CHAPTER 695.

An act for the relief of Elmina Jeffrey, of Gaston county.

*The General Assembly of North Carolina do enact:*

An act for the relief of Elmina Jeffrey of Gaston county.

SECTION 1. That the treasurer of Gaston county be and is hereby authorized to pay out of any money now or [which] may hereafter be in his hands due old district number eight, known as Rhodes school for the colored race, now in district number one, Elmina Jeffrey, colored, for services rendered as teacher of colored race for said district in the year eighteen hundred and ninety-seven (1897), the sum of twenty-five dollars (\$25).

Claim to be paid on order of school committee.

SEC. 2. That this claim shall be paid only upon the order of the school committee of said district, countersigned by the county supervisor or his successor in office by whatever name.

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

Ratified the 8th day of March, A. D. 1899.

## CHAPTER 696.

**An act to prohibit the sale of spirituous liquors within certain localities.**

*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any person or persons to sell or otherwise dispose of with a view to remuneration any spirituous, vinous or malt liquors that produce or may produce intoxication within two (2) miles of the following places:

Sale or other disposition of spirituous, vinous or malt liquors forbidden in certain localities.

ASHE—Peak Valley Baptist church, Three Top Baptist church, Calloway school house, Tree Top Baptist church, New River Baptist church, Bethlehem church, the Methodist church (South) at Creston, Baptist Home, Ashe County Academy and Business College, Southern chapel, Blackburn's chapel, Buffaloe Baptist church, Buckeye Grove church, Rock Creek church.

BEAUFORT—Beaver Dam church, Asbury church.

BURKE—Zion Hill Baptist church, Ferrell's chapel.

CATAWBA—Killian's school house, Bethlehem M. E. church (South).

CLAY—Hayesville Presbyterian church, Shady Grove Baptist church.

CHEROKEE—Harris' chapel, Hopewell church on Persimmons creek, Macedonia church on Wolf creek, Brown's school house on Potato creek.

CARTERET—Bethlehem M. E. church (Marshalberg Smyrna township).

CAMDEN—Sawyer's Creek Baptist church.

DAVIE—The Shoals Mills (Jerusalem township), Dutchman's Creek Friend's church, James Cross Roads Baptist church.

HALIFAX—Zion Hill Baptist church.

MOORE—Johnson's Grove (McNeil's township).

MONTGOMERY—Bethlehem Methodist church.

NORTHAMPTON—Meherrin Academy (Wicaconee township), Aurora Academy (Rich Square township).

ONslow—Richland's Academy in the town of Richlands.

PENDER—Barlow Chapel Baptist church.

RUTHERFORD—Cane Creek (Chimney Rock township).

STANLY—Cottonville Baptist church.

SAMPSON—Giddensville.

VANCE—Rehobeth Methodist Protestant church, Flat Rock Methodist Protestant church.

WATAUGA—Public school house in district number three at Dearfield.

WASHINGTON—Rehobeth M. P. church (Skinnensville township).

WAYNE—Yelverton church.

Sale or other disposition of spirituous liquors forbidden in certain localities.

SEC. 2. It shall be unlawful to make, sell or dispose of any spirituous liquors with a view to remuneration within two (2) miles of the following places:

ALLEGHANY—Meadow Fork Primitive Baptist church.

ALEXANDER—Marvin Methodist Episcopal church (Miller township).

ASHE—Bellview Academy, Brushy Fork Baptist church, Brushy Fork Methodist church, Mountain View church, Primitive Baptist church (South Fork), Chestnut Hill Methodist church (South), Pleasant Grove church, Laurel Hill Baptist church, Oak Grove Baptist church, Bethel church, River View church, Little Laurel Hill Methodist church, Liberty Hill Academy.

BEAUFORT—Methodist Episcopal church in Leechville, Bell Haven public school house in Bell Haven.

BLADEN—Trinity church.

BRUNSWICK—Myrtle Branch church.

CARTERET—Primitive Baptist church (Cedar Island).

CATAWBA—St. Paul's Union church, Ebenezer Methodist church, Thyatira Lutheran church, St. James Evangelical Lutheran church, Grady's Academy.

CALDWELL—Fair View M. E. church, John's River Baptist church, Wilson Creek Baptist church, Green Valley Baptist church, Laytown Baptist church, Jack's Fork mills and pond; all private and public school houses in Caldwell county in which at least one term of school is held per year.

CLEVELAND—Salem M. E. church (South), Bethlehem Baptist church, New Hope Baptist church, Mount Sinai Baptist church, El Bethel Methodist church.

DAVIDSON—Denton Academy, Denton church, Fair Grove M. E. church (South).

DAVIE—Dutchman's Creek Friends meeting house

GRANVILLE—St. Paul's Episcopal church (Walnut Grove township), Goshen Chapel M. E. church (Walnut Grove township), Philadelphia Lutheran church, the Morris school house, the Rhyne school house, the Hardin school house.

HENDERSON—Cedar Springs Baptist church, Green River Baptist churches.

IREDELL—School house number four in school district number five (Shiloh township).

LINCOLN—Marvin Methodist church.

MOORE—Red Sign Board school house (Sheffield township), Needham Grove Quaker church (Sheffield township), Tabernaec Methodist church (Sheffield township).

MCDOWELL—Pepper's Creek Baptist church, Mine Ridge Baptist church.

MADISON—Paint Fork Baptist church (township number four), Terry's Fork Union church (township number four), Bethel Baptist church (township number four), Middle Fork Baptist church (township number four). Little Ivey Baptist church (township number five). Mars Hill Baptist church (township number three). Bull Creek Baptist church (township number three). Gabriel's Creek Baptist church (township number three). Mars Hill College (township number three), Pinny Grove church, Bahn M. E. church, Baldings Chapel M. E. church, Meadows Fork Baptist church. Poplar Gap Baptist church.

RANDOLPH—Pleasant Ridge Christian church Holly Springs Friends church. Charlotte Methodist Protestant church, Fair Grove church, Why Not Academy, Cedar Falls Baptist church, Cedar Falls Methodist Protestant church, Plainfield church, Flint Hill church. High Pine church, Belvidere school house.

ROWAN—Crescent Academy.

STANLY—Oak Grove Methodist church, Big Lick Methodist church, Millingport Lodge number four hundred and sixty eight A. F. and A. M.

WILKES—Lewis Fork Second Advent church.

WAKE—St John's Methodist church.

YANCEY—Pleasant Grove church (Bush Creek township).

SEC. 3. It shall be unlawful to sell or otherwise dispose of any spirituous liquors with a view to remuneration within three (3) miles of the following places:

BUNCOMBE—Spring Mountain church.

BURKE—Penelope Academy, Antioch church in Smoky Creek township, situated on the north side of the road from the old church.

CARTERET—Primitive Baptist church at Cedar Island.

MOORE—The First Congregational church (Southern Pines): *Provided*, nothing herein contained shall prohibit the manufacture and sale of wines so far as said First Congregational church is concerned.

SEC. 4. It shall be unlawful to make, sell or dispose of any spirituous liquors with a view to remuneration within three miles of the following places:

ALAMANCE—Holt's chapel at Glencoe Cotton Mills.

BLADEN—Bladen Union Baptist church (white), in Hollow township.

CALDWELL—Chapel of Rest Episcopal church, Globe Academy, Littlejohn's Methodist Episcopal church, Harper's chapel M. E. church, Mount Zion M. E. church, Mount Olivet M. E. church, Pleasant Grove M. E. church, Laurel Hill M. E. church, Marias Chapel M. E. church, Piney Grove Baptist church, Green Rock

Sale or other disposition of spirituous liquors within three miles of certain localities forbidden.

Baptist church, Blair's Fork Baptist church, Shiloh's church, Mount Carmel church, Warrior's Camp Ground church.

CHATHAM—Tyron's Creek Baptist church in Bear Creek township.

GASTON—New Hope church (South Point township), McLane's church (South Point township), public school house number eleven in district number four (South Point township).

HAYWOOD—Fincher's chapel.

HENDERSON—St. John's Episcopal church at Upward, Refuge Baptist church, Oak Grove Baptist church, Gallamore school house, Cross Roads Baptist church (in Green River township).

HARNETT—Morris Chapel church (Barbecue township).

JACKSON—Zion Hill school house.

MITCHELL—Hunter's Chapel M. E. church, Mount Vernon Methodist church, Spruce Pine Presbyterian church, Green Valley Baptist church.

MONTGOMERY—Lovejoy M. P. church, Mount Carmel Baptist church.

MOORE—Poplar Springs Methodist church, Sanford M. E. church (known as the Steel's Street M. E. church), Shallowell Christian church.

PENDER—Burgaw Creek Methodist church (Burgaw township).

ROBESON—Hillside Presbyterian church.

ROCKINGHAM—Wolf Island Missionary Baptist church.

STANLY—Zoar Methodist church.

WAKE—Ephesus Baptist church, Rolesville Baptist.

YANCEY—Bald Creek Academy.

SEC. 5. It shall be unlawful for any person or persons to sell or give away or in any way dispose of any intoxicating liquors within one (1) mile of the following places:

ALLEGHANY—Prathers Creek Baptist church, New Hope Baptist church, Mount Zion Methodist church.

FORSYTH—Pleasant Hill Methodist Protestant church, Senard Methodist Episcopal church.

GATES—The town of Gatesville.

MONTGOMERY—Shady Grove Christian church (in Little Rock township).

PITT—Marlboro Free will Baptist church.

SCOTLAND—Green Lake Methodist church (col.), at Gibson, Cedar Grove Baptist church (col.), at Gibson.

SEC. 6. It shall be unlawful to make, sell or dispose of any spirituous liquors within one mile of the following places:

CATAWBA—Emanuel Lutheran church.

Craven County—Friendship church (in township number one, Craven county); Macedonia church (in township number one, Craven county); St. Delight church (in township number two,

Sale or other disposition of intoxicating liquors within one mile of certain localities forbidden.

Craven county); Truits church (in township number two, Craven county); Kit Swamp church (in township number two, Craven county).

HALIFAX—Baptist church in the town of Hobgood.

LINCOLN—Ashbury church.

STOKES—King Baptist church.

VANCE—Union Chapel at Henderson Cotton Mills: *Provided*, that this act shall not prohibit the manufacture and sale of spirituous, vinous and malt liquors within the corporate limits of the town of Henderson.

SEC. 7. It shall be unlawful to make, sell or dispose of any spirituous liquors within four (4) miles of the following places:

GRANVILLE—Penny Hill school house (Salem township).

HALIFAX—Neil Station, on the W. and C. R. R.

MITCHELL—Big Rock Creek Missionary Baptist church (Herrell township), Spring Creek Free will church (Herrell township), Hughes Chapel Free will Baptist church (Herrell township), Methodist Episcopal church at Bad Creek (Herrell township), Spring Creek school house (Herrell's township), Big Rock Creek school house (Herrell's township), Thos. Strech school house (Herrell's township), the Herrell school house (Herrell's township), Bean's Creek school house (Herrell's township), Bad Creek school house (Herrell's township), Grassy creek school house (Herrell's township).

Sale or other disposition of spirituous liquors within four miles of certain localities forbidden.

SEC. 8. It shall be unlawful to sell any kind of intoxicating liquors, either distilled spirits or fermented wines within five (5) miles of the following places:

FRANKLIN—Poplar Springs Baptist church.

SEC. 9. It shall be unlawful to make, sell or dispose of any spirituous liquors with a view to remuneration or otherwise in five (5) miles of the following places:

CUMBERLAND—Shiloh Presbyterian church (white), Que (Whipple township).

RICHMOND—Springs Hill Baptist church (white), Silver Hill Presbyterian church (colored) (Laurel Hill township), Nashville Baptist church (colored), Sand Hill public school house (colored), in school district number eleven, known in Spring Hill township as colored school house number five.

ROBESON—Montpelier Presbyterian church (white).

SEC. 10. It shall be unlawful for any person or persons to manufacture, sell or otherwise dispose of for remuneration any spirituous or intoxicating liquors within two miles of Kid's Chapel church, Lincoln county: *Provided, however*, that this act shall not apply to the making of wine from berries or grapes or of cider from apples, pears or peaches.

Sale or other disposition of spirituous liquors within five miles of certain localities forbidden.

Manufacture, sale or other disposition of intoxicating liquors within two miles of Kids chapel church, Lincoln county, forbidden. *Proviso.*

SEC. 11. It shall be unlawful for any person to make, sell or in any way dispose of for remuneration any spirituous, vinous or

Manufacture, sale or other disposition of intoxicating

liquors within one and a half miles of Central Falls M. E. church, Randolph county, forbidden. Manufacture or other disposition of spirituous liquors in Nantahala township, Macon county, forbidden. Penalty.

Provisions of sections 3111 and 3112 of The Code not to apply to this act.

When this act to be in force and effect.

malt liquors that produce or may produce intoxication within one (1½) and one-half miles of

RANDOLPH—Central Falls M. E. church, Randolph county.

SEC. 12. It shall be unlawful for any person or persons to make, sell or dispose of any spirituous liquors anywhere in the  
MACON—Nantahala township in Macon county.

SEC. 13. That any person, firms or corporation violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned, or both, at the discretion of the court.

SEC. 14. That none of the provisions or requirements of sections three thousand one hundred and eleven and three thousand one hundred and twelve of The Code that may not have been complied with in this act shall be so construed as to invalidate any of the provisions herein contained, and that the provisions of said section shall not apply to this act.

SEC. 15. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 16. That this act shall be in force from and after its ratification as to all places incorporated herein except as to the following places, and as to those it shall be in force from and after July, eighteen hundred and ninety nine, to-wit:

HENDERSON—All the churches in Henderson county.

HALIFAX—Baptist church, Hobgood, Halifax county.

CLEVELAND—Mount Sinai Baptist church, in Cleveland county.

CALDWELL—All public and private school Horner [houses] in Caldwell county.

Ratified the 8th day of March, A. D. 1899.

## CHAPTER 697.

**An act to declare Nantahala, Tennessee and Hiwassee rivers floatable streams, and for other purposes.**

*The General Assembly of North Carolina do enact:*

Nantahala, Tennessee, Hiwassee and Notla rivers and Buck creek declared public highways

SECTION 1. That the Nantahala, Tennessee, Hiwassee and Notla rivers and Buck creek, together with their tributaries, shall hereafter be considered and are hereby declared and constituted public highways and subject to all laws of floatable streams.

Any persons authorized to use said streams to remove obstructions, etc.

SEC. 2. That any person that may so desire to do is hereby authorized and empowered to use said streams to remove any obstruction therefrom: to clean out the channel thereof or to turn the stream out of its original channel or to make any improvements

therein or thereon for the purpose of aiding or assisting the running of boats, rafts or river crafts, floating or driving of logs, lumber or bark, billets, blocks, ores or minerals, or for any other lawful purpose: *Provided*, that if any improvements or repairs are desired to be made or erected, or obstructions removed or stream turned to its original channel on the lands of a different person from the one utilizing, using or desiring to use any of said streams, such persons shall have the power and authority to enter upon the lands of such other person to make repairs, make or erect the improvements or remove obstructions or to turn the stream to its original channel; but in case such other person objects the clerk of the superior court of the county in which such entry is desired to be made shall, upon the affidavit of the party using or desiring to use the stream or make repairs or make and erect improvements, remove obstructions or turn the stream to its original channel, appoint three disinterested freeholders, neither of whom shall be in any way connected or related to either party, who, after being duly sworn, shall lay off a road, if a road be necessary, by which such person, his employees or teams may pass over the lands of such other person to make, repair or erect the improvements or remove obstructions or turn the stream to its original channel, and assess any damages that may thereby be occasioned: *Provided further*, that if the road is not necessary the freeholders so appointed may assess such damages as shall be occasioned by reason of such person passing over the lands for said purposes, if such passing is necessary, or may assess such damage as shall be occasioned by reason of the work to be done, if in their judgment there is any damage done by reason thereof—such damage so assessed to be paid for by the applicant, and either party shall have a right to appeal to the superior court as to the amount of such damage so assessed: *Provided also*, that the person objecting and upon whose lands the work is proposed to be done shall have five days' notice in writing served upon him or left at his usual place of business or abode, that such freeholders will be or have been appointed.

Proviso.

May enter upon lands of another to make repairs, etc.

Freeholders may lay off road.

Proviso.

Damages to be assessed, when.

Proviso.

Refusal to allow person, having a right to do so under this act, to enter upon land, guilty of a misdemeanor.

SEC. 3. In case the owner, after the road is laid off, when a road is necessary, or after the damage has been assessed and paid or tendered, shall refuse to allow such other person to pass over his land or prevents or in any way hinders such passage or the making of such improvements or removal of obstructions or turning the stream to its original channel, he or any person commanding, concealing, aiding, encouraging or abetting him in such act shall be guilty of a misdemeanor and fined not less than fifty dollars or more than five hundred dollars, or imprisoned not less than sixty days or more than six months, or both, in the discretion of the court.

Person injuring dam, slope, flume, etc., guilty of a misdemeanor.

Injuring or destroying logs, lumber, etc.

Obstructing streams or diverting course thereof.

Penalty.

Additional penalty.

Proviso.

SEC. 4. If any person shall wantonly, willfully or maliciously destroy or injure any dam, slope, flume, boom, mill or any other improvement made, repaired, erected or constructed in any manner in or upon any of said streams or the banks thereof, or shall so destroy or injure any boat, raft or river craft used or driven in or upon any of said streams or placed upon the banks thereof to be used or driven, or shall so injure or destroy, or by his willful or wanton or malicious act in any way cause injury, damage or destruction to any logs, lumber, billets, blocks, ore or other commodity while upon the banks of said streams waiting for transportation or driving or after put in or upon said streams for transportation or driving, or shall obstruct any of said streams by felling trees therein or otherwise, or divert the course thereof, so as to prevent, hinder or delay the passage thereof, or of any commodity for any such purpose as is herein mentioned, he shall be guilty of a misdemeanor, and for the first offense be fined not less than one hundred dollars or more than one thousand dollars or be imprisoned not less than two months or more than two years, or both, in the discretion of the court. For the second or succeeding offense the penalty shall be double, and in addition shall be liable to the party aggrieved in damages, and every person aiding or abetting shall be deemed guilty and subject to the same fine and penalty: *Provided*, that any person or company or corporation shall be liable to riparian owners of land for such damage as may be due to the property either real or personal along any of said rivers, and in case such person, company or corporation is insolvent or for any other reason fails to pay such damage as may be assessed in favor of such riparian owners, either by a jury appointed under this act or in any court of competent jurisdiction within thirty days after the same has been assessed or after final judgment, such person, company or corporation shall be denied the privilege of using any of said rivers for the purpose therein mentioned.

SEC. 5. This act shall be in force from and after its ratification. Ratified the 8th day of March, A. D. 1899.

#### CHAPTER 698.

**An act to authorize the commissioners of Craven county to set aside a sinking fund for the payment of its bridge debt.**

*The General Assembly of North Carolina do enact :*

Commissioners of Craven county authorized to set aside sinking fund for payment of bridge debt.

SECTION 1. That the board of commissioners for Craven county may in their discretion set aside a sinking fund for the payment of the debt contracted in the years eighteen hundred and ninety-seven and eighteen hundred and ninety-eight for the erection of

the bridges across the Neuse and Trent rivers at Newbern and appoint a suitable person as trustee and commissioner of said fund, who shall before entering upon the discharge of his duties enter into bond with approved security in such sum as the commissioner shall designate: *Provided*, that said fund shall at all times be under the control of the commissioners of said county: *And provided further*, that the same person may be appointed as trustee or commissioner of said fund and of the sinking fund provided for in section one, chapter seventy-two, public laws of eighteen hundred and seventy-nine, and in such event one bond may be taken for the security of both funds.

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

Ratified the 8th day of March, A. D. 1899.

#### CHAPTER 699.

An act supplementary to an act entitled "An act to amend chapter two hundred and eighty-eight, acts of eighteen hundred and ninety-five, public laws, relating to the spring term of the superior courts of Bertie and Craven counties," ratified the sixth day of March, eighteen hundred and ninety-nine.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the act entitled "An act to amend chapter two hundred and eighty-eight, acts of eighteen hundred and ninety-five, public laws, relating to the spring terms of the superior courts of Bertie and Craven counties," ratified the sixth day of March, Anno Domini eighteen hundred and ninety-nine, be and the same is hereby amended as follows, to-wit: Amend section two thereof by striking out the word "tenth" and inserting in lieu thereof the word "twelfth."

Act supplementary to an act entitled "An act to amend chapter 388, acts of 1895, relating to spring term, superior courts of Bertie and Craven counties."

SEC. 2. This act shall be in force from and after its ratification. Ratified the 8th day of March, A. D. 1899.

#### CHAPTER 700.

An act to appoint justices of the peace in Halifax county.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the following-named persons be and they hereby are appointed justices of the peace for Conocoanarie township, in Halifax county, to-wit: J. H. Darden, John H. Pope, N. Fitzpatrick, J. A. Norfleet.

J. H. Darden,  
John H. Pope,  
N. Fitzpatrick  
and J. A. Norfleet  
justices of the

peace for Cono-  
conarie town-  
ship, Halifax  
county.  
Term of office.

SEC. 2. That the terms of office of said justices of the peace shall begin on the first Monday in April, eighteen hundred and ninety-nine, and end on the first Thursday in August, nineteen hundred.

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

Ratified the 8th day of March, A. D. 1899.

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#### CHAPTER 701.

An act to amend section seven (7) of chapter three hundred and sixty-three of the public laws of eighteen hundred and eighty-nine (1889).

*The General Assembly of North Carolina do enact :*

Relating to levy-  
ing special tax in  
Raleigh township  
for working  
roads.

SECTION 1. That section seven (7) of the public laws of eighteen hundred and eighty-nine (1889), be amended by striking out in line eight (8) of said section seven (7) after the word "exceeding" and before the word "on" the words "eight per centum" and insert in lieu thereof the words "ten cents."

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

Ratified the 8th day of March, A. D. 1899.

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#### CHAPTER 702.

An act to provide for the establishing of a public highway through the public lands between the Ben Smith place and the A. J. Murrill place, in Onslow county.

*The General Assembly of North Carolina do enact:*

Relating to estab-  
lishing public  
highway through  
public lands be-  
tween Ben Smith  
place and A. J.  
Murrill place in  
Onslow county.

SECTION 1. That for the purpose of laying out and constructing a public highway in the county of Onslow, to lead from the Ben Smith place on the road leading from Swansboro to Job Smith's place on White Oak river, through the public lands known as the White Oak pocosin, to some point near the "A. J. Murrill" place on the Jacksonville and Swansboro road, and also to lay out and construct a branch road through said public lands from White Oak station on the W. and N. Railway to some point on the aforesaid public highway, the following citizens of said county, to-wit: Barrister L. Kellum, D. W. Smith and John B. Kellum be appointed special commissioners, with full power and authority to lay out said roads and to supervise the construction of the same.

SEC. 2. That it shall be the duty of the said commissioners, as soon as they deem it advisable, to employ a competent surveyor and survey and locate the said roads, and the said roads shall be eighteen feet wide, clear of stumps and runners, and shall be laid out and constructed with as little damage as possible to the lands through which it shall pass.

Surveyor to be appointed to survey and locate roads.

SEC. 3. That the said board of special commissioners shall have full power to condemn lands lying along the said roads and over which they shall pass: but if the owner of said condemned lands shall feel himself injured by the action of said board, then it shall be competent for him to petition the board of county commissioners of Onslow county for a jury of not more than seven nor less than three disinterested freeholders to estimate the damage sustained; whereupon it shall be the duty of the said board of county commissioners to cause a jury as aforesaid to be summoned by the sheriff to appear upon the premises within fifteen days after the filing of the petition with the board of county commissioners; and the jury, being sworn by the sheriff to discharge their duty impartially, and considering the benefit, as well as the injury resulting from the establishing of the roads upon the land, shall proceed to assess the damage sustained, and the board of county commissioners, upon the report of the said jury, being made to and confirmed by the said board, shall pay the damages so assessed [assessed] out of any funds provided by them for that purpose: *Provided*, that either party may appeal from the confirmation of said report to the superior court.

Commissioners authorized to condemn land.

Jury may assess damages.

Proviso.

SEC. 4. That on demand made in writing by the aforesaid board of special commissioners the board of directors of the State's Prison are authorized, provided they deem the same to be the best interest of the state, to furnish the said commissioners fifty able-bodied convicts, who shall be transported, guarded and maintained by the state to work on said road, until its completion.

State Prison convicts to work said road.

SEC. 5. That this act shall not interfere with acts heretofore passed granting convicts to any public roads.

Act not to interfere with other acts heretofore passed.

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

Ratified the 8th day of March, A. D. 1899.

CHAPTER 703.

An act to pay a certain judgment rendered in favor of Festus Miller and Thomas Campen against the State of North Carolina.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the auditor is hereby authorized and directed to issue his warrants to Mollie A. Miller, administratrix of Festus Miller, for one thousand four hundred and two dollars and

Auditor directed to issue warrants in favor of Festus Miller and Thos Campen.

twenty-five cents, and to Thomas Campen for two hundred and twenty-four dollars and forty cents.

Treasurer authorized to pay said warrants.

SEC. 2. That the state treasurer is hereby authorized and directed to pay said warrants out of any moneys in his hands not otherwise appropriated.

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

Ratified the 8th day of March, A. D. 1899.

#### CHAPTER 704.

##### An act to provide a system of sewerage for the College of Agriculture and Mechanic Arts.

*The General Assembly of North Carolina do enact:*

Sewerage system to be provided for College of Agriculture and Mechanic Arts

[SECTION 1.] That A. Q. Holliday, W. O. Riddick and J. R. Rogers are hereby appointed and constituted a commission and are hereby authorized, directed and empowered to have constructed a sewer from the College of Agriculture and Mechanic Arts to and connecting with the sewer system of the city of Raleigh. The said commission is hereby given full power to lay off and have constructed the said sewer in such manner as they may deem proper, and it is empowered to contract with adjacent residents and allow them to connect with the sewer upon payment of a proper sum for said privilege.

Expense of building said sewerage, how defrayed.

SEC. 2. The expense of building said sewer shall be defrayed by the College of Agriculture and Mechanic Arts if it has money available for that purpose, and if there be no funds so available the state treasurer is hereby empowered to advance the sum of two thousand five hundred dollars (\$2,500) out of any money in the treasury not otherwise appropriated, and the money so advanced shall be considered a loan to the said college and a charge on its revenues, and shall be retained by the treasurer out of the amount appropriated for the year nineteen hundred.

State treasurer to pay amount on warrant of auditor.

SEC. 3. The treasurer of the state will pay over said money upon the warrant of the auditor, upon proof that the said sewer has been let out to a responsible bidder, to be completed at a cost to the college of not exceeding the sum advanced by the state.

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

Ratified the 8th day of March, A. D. 1899.

## CHAPTER 705.

An act to amend chapter two hundred and ninety-eight of the public laws of eighteen hundred and ninety-three.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section four of chapter two hundred and ninety-eight of the public laws of the state of North Carolina, passed by the general assembly at its session of eighteen hundred and ninety-three, be amended by striking from said section the words "Catawba—Mountain View M. E. church, South."

Chapter 238, public laws of 1893, relating to sale of liquor in various localities, amended.

SEC. 2. That section eleven of said chapter two hundred and ninety-eight of the acts of eighteen hundred and ninety-three be amended by inserting after "Burke—Antioch church" the words "Catawba—Mountain View M. E. church, South."

Said chapter further amended.

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

Conflicting laws repealed.

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

Ratified the 8th day of March, A. D. 1899.

## CHAPTER 706.

An act for the protection of sturgeon.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person, firm or corporation to use in any of the waters of New Hanover and Pender counties any nets of any description for the purpose of taking or catching any sturgeon, the bars of the meshes of which net shall be less than ten inches in the diamond; that the possession of any sturgeon net in the waters of the counties aforesaid of less than ten inches in mesh shall be prima facie evidence of such persons having used the same.

Act for the protection of sturgeon in New Hanover and Pender counties.

SEC. 2. That any person, firm or corporation or their agents violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten nor more than twenty-five dollars or imprisoned not more than twenty days for each offense, and also subject to a penalty of twenty dollars, one-half to the informer and one-half to the county in which the offenders shall be tried.

Violation of this act a misdemeanor.

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

Ratified the 8th day of March, A. D. 1899.

## CHAPTER 707.

An act to establish a school district of the territory lying between New river and the Virginia state line at the horse ford of New river.

*The General Assembly of North Carolina do enact :*

New school district established in Alleghany county.

SECTION 1. That all that portion of Alleghany county lying in the boundary as follows: Beginning in the Virginia state line at the Mountain island in Alleghany county and running thence east with said state line to New river; thence up and with the river to the beginning, shall be and is hereby constituted a school district in the public schools in said county, and that it shall have all the benefits and be under the same rules and regulations as the other public school districts in the county.

SEC. 2. That this act shall be in full force from and after June first, eighteen hundred and ninety-nine.

Ratified the 8th day of March, A. D. 1899.

## CHAPTER 708.

An act to prohibit the sale of liquor within two miles of Concord Baptist church, Alexander county.

*The General Assembly of North Carolina do enact :*

Sale of liquors prohibited within two miles of Concord Baptist church, Alexander county.

SECTION 1. That it shall be unlawful for any person to sell or otherwise dispose of for remuneration any spirituous, vinous or malt liquors within two miles of Concord Baptist church, in Miller's township, Alexander county.

Penalty.

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

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

Ratified the 8th day of March, A. D. 1899.

## CHAPTER 709.

An act supplemental to an act ratified March seventh, eighteen hundred and ninety-nine, entitled "An act to change the time of holding the courts in the ninth judicial district," and to amend an act entitled "An act establishing the western district criminal court."

*The General Assembly of North Carolina do enact :*

Additional term of Rockingham court, to terms provided in act ratified 7th of March, 1899.

SECTION 1. That an act ratified the seventh day of March, Anno Domini eighteen hundred and ninety-nine, entitled "An act to change the time of holding the courts in the ninth judicial district," and to amend an act entitled "An act establishing

the western district criminal court," be amended as follows: That there shall be a term of the superior court held for and in Rockingham county to begin on the eleventh Monday after the second Monday in August and continue for two weeks in addition to the other terms of the superior court provided for in said act for Rockingham county.

There shall be a term of the superior court for Surry county to begin on the thirteenth Monday after the second Monday in August and continue for two weeks, taking the place of the court to commence the fourteenth Monday after the second Monday in August as provided for in said act. That there shall be a term of the superior court for Forsyth county to begin the fifteenth Monday after the second Monday in August and continue for three weeks, this court to take the place of the court that is provided to commence the eleventh Monday after the second Monday in August in said act.

Change of terms of court for Surry county.

Change of terms of court for Forsyth county.

SEC. 2. That the terms of court provided for Surry and Forsyth counties in this supplemental act shall be for the trial of civil causes only, and the commissioners of said counties shall summon jurors and pay the solicitor as set forth and provided in the original act.

For trial of civil causes only.

SEC. 3. That all acts or sections of acts in conflict with this act are hereby repealed.

Conflicting acts repealed.

SEC. 4. This act shall be in force from and after its ratification. Ratified the 8th day of March, A. D. 1899.

## CHAPTER 710.

### An act for the relief of the Shepard's Point Land Company.

WHEREAS, the Shepard's Point Land Company was incorporated by the act of the general assembly of the state of North Carolina, ratified the second day of February, eighteen hundred and fifty-seven, and re-enacted by the act of the general assembly of the state of North Carolina, ratified the second day of February, eighteen hundred and eighty-seven, by which said act the capital stock of the said Shepard's Point Land Company was authorized to the extent of five hundred thousand dollars, of which said capital stock four hundred and eighty thousand dollars was actually issued in four thousand eight hundred shares of one hundred dollars each; and

An act for the relief of Shepard's Point Land Company. Preamble.

WHEREAS, the only property of the corporation consists of cer-

tain unimproved real estate in the county of Carteret, North Carolina, of the assessed taxable value of six thousand five hundred dollars, which is the full value thereof, by reason of which the actual value of the capital stock is nominal; now

*The General Assembly of North Carolina do enact :*

License tax of revenue act not applicable to said company.

Capital stock reduced.

SECTION 1. That the tax imposed or to be imposed under the general revenue act as a license tax for the privilege of carrying on the business of the corporation shall not be applicable to the Shepard's Point Land Company and the capital stock of said company shall be reduced to twenty-five thousand dollars, and the franchise tax shall be assessed and collected as if the corporation had a capital stock of less than twenty-five thousand dollars, anything in the revenue act to the contrary notwithstanding.

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

Ratified the 8th day of March, A. D. 1899.

#### CHAPTER 711.

**An act to be entitled an act to provide for the payment of certain judgments rendered in favor of the clerk's officers of Carteret county against the state.**

*The General Assembly of North Carolina do enact :*

Auditor directed to issue warrant for certain sums in favor of L. A. Garner and M. A. Hill, of Carteret county.

Treasurer directed to pay said warrants.

SECTION 1. That the auditor is hereby authorized and directed to issue his warrants to L. A. Garner, clerk superior court Carteret county, for three hundred and six dollars and eighty cents, and to M. A. Hill for fifty dollars.

SEC. 2. That the public treasurer of the state is hereby authorized and directed to pay said warrants out of any money in his hands not otherwise appropriated.

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

Ratified the 8th day of March, A. D. 1899.

#### CHAPTER 712.

**An act to amend chapter four hundred and sixteen of the public laws of - eighteen hundred and ninety-three**

*The General Assembly of North Carolina do enact :*

Public laws of 1893, chapter 416, amended.

SECTION 1. That section two of chapter four hundred and sixteen of the public laws of eighteen hundred and ninety-three be amended by inserting in line four between "timber" and "thereon" the following: "Railroad or shipping wood."

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

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

Ratified the 8th day of March, A. D. 1899.

#### CHAPTER 713.

**An act to be entitled "An act to appoint justices of the peace for Contentnea Neck township, Lenoir county, North Carolina."**

*The General Assembly of North Carolina do enact :*

SECTION 1. That Elijah Fields and Daniel W. Hamilton be and are hereby appointed justices of the peace for Contentnea Neck township, Lenoir county, North Carolina. Elijah Fields and Daniel W. Hamilton appointed justices of the peace.

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

Ratified the 8th day of March, A. D. 1899.

#### CHAPTER 714.

**An act to regulate the distribution of funds derived from dispensaries in Johnston county.**

*The General Assembly of North Carolina do enact :*

SECTION 1. That all dispensaries in Johnston county shall pay into the general school fund of said county the same amount now paid by the bar-rooms in towns where dispensaries are located. Dispensaries in Johnston county taxed equally with bar-rooms.

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

Ratified the 8th day of March, A. D. 1899.

#### CHAPTER 715.

**An act to appoint additional justices of the peace in Richmond county.**

*The General Assembly of North Carolina do enact :*

SECTION 1. That the following-named persons be and they are hereby elected justices of the peace in Richmond county for a term of six years, to-wit: Additional justices of the peace appointed in Rockingham county.

Stulis township—T. F. Stanback, J. P. Little, Jr.

Mineral Springs township—A. L. Loftin, W. H. Smith.

Black Jack township—J. C. Ussery, M. J. Thrower, Z. D. Ellerbe.

Rockingham township—R. L. Nicols, A. B. Nickolson.  
 Beaver Dam township—H. D. Ledbetter, Angus Currie.  
 Marks Creek township—G. J. Freeman, B. Whiting.  
 Wolf Pit township—J. H. Walsh, Jerome Williams.

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

Ratified the 8th day of March, A. D. 1899.

#### CHAPTER 716.

##### An act to provide for the Soldiers Home.

*The General Assembly of North Carolina do enact :*

\$5,000 appropriated for replacing and erecting buildings at Soldiers Home.

SECTION 1. That there shall be appropriated out of the funds in the treasury not otherwise appropriated the sum of five thousand dollars. This money is to be used and for replacing and erecting buildings at the Soldiers Home for the benefit of the Soldiers Home.

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

Ratified the 8th day of March, A. D. 1899.

#### CHAPTER 717.

##### An act to repeal chapter one hundred and fifteen (115) of the public laws of eighteen hundred and ninety-three (1893).

*The General Assembly of North Carolina do enact :*

Act making it unlawful to fish in Ramons creek, Camden county, wth nets between certain dates, repealed.

SECTION 1. That chapter one hundred and fifteen (115) of the public laws of eighteen hundred and ninety-three (1893) 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, A. D. 1899.

CHAPTER 718.

An act to amend chapter seventy-nine of the public laws of eighteen hundred and ninety-seven, relating to shooting cattle in Tyrrell county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section one of chapter seventy-nine (79), public laws of eighteen hundred and ninety-seven, be and is hereby amended by striking out all of said section after the word "identified" in line three thereof.

Relating to persons killing cattle in Tyrrell county. May not kill unmarked cattle running at large.

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

Ratified the 8th day of March. A. D. 1899.

CHAPTER 719.

An act to provide for the improvement of the public roads of the state, through the use of wide tires on wagons and other draft vehicles.

WHEREAS, the use of wide-tired vehicles on the public roads of the state, as shown by experience, will both benefit and protect these roads by packing and smoothing the surface of the same,

Preamble.

*The General Assembly of North Carolina do enact :*

SECTION 1. That every person, firm or corporation in the state who, during the year ending December thirty-first, eighteen hundred and ninety-nine, and each succeeding year thereafter, owns and uses on the public roads of the state any wagon or other draft vehicle with tires as wide as the standard wide tire wheels described in section two of this act shall on the presentation of proof thereof, satisfactory to the commissioners of any county in which said wide-tire vehicles are used, be paid by the county treasurer of such county, out of the road fund of the county or township in which the same is used, each and every year for a period of five years, a sum equal to one half his or her road tax: *Provided*, that in no case shall the amount so paid for any year be greater than two dollars on one such vehicle, nor in any case shall the total amount paid to any one person, firm or corporation exceed the sum of five dollars during any year: *And provided further*, that in case any such person pays no road tax, he shall during each and every year for a period of five years be exempt from one half of the labor which under the law he may otherwise be required to expend on the public roads of the county or township in which he resides.

Use of wide-tire vehicles encouraged.

Owner of such vehicle to be paid, per year, for five years, one-half amount of road tax.

Proviso.

Proviso.

Standards of widths for one- and two-horse vehicles.

SEC. 2. For the purposes of this act the standard for wide-tire wagons and other draft vehicles shall be as follows: For a one-horse vehicle (with skeins two and one-half by eight inches or under, or spindles one and three-eighths by seven inches or under), two and one half (2½) inch tires; for two horse vehicles (with skeins larger than two and one half by eight inches, not over three by nine inches, or with spindles more than one and three-eighths by seven inches and not over one and three-fourths by ten inches), four inch tires; and for all vehicles with skeins and spindles larger than the above, six inch tires.

To what counties applicable.

SEC. 3. This act shall only apply to the following counties: Alamance, Edgecombe, Lincoln, Mecklenburg, Moore, Orange (for Chapel Hill township only), New Hanover, Rowan, Wilson, Durham and Granville.

SEC. 4. This act shall be in force from and after its ratification. Ratified the 8th day of March, A. D. 1899.

#### CHAPTER 720.

An act supplemental to house bill number thirteen hundred and eighty-four, being an act relating to the reorganization of the department of agriculture.

*The General Assembly of North Carolina do enact:*

Members of board of agriculture increased to fifteen, and J. W. Bailey, of Wake, added.

SECTION 1. That the members of the board of agriculture be increased to fifteen and that J. W. Bailey, of Wake county, be added to said board as one of the members for the state at large.

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

Ratified the 8th day of March, A. D. 1899.

#### CHAPTER 721.

An act to provide for hitch-post at gates across public roads.

*The General Assembly of North Carolina do enact:*

Hitch-posts erected each side of gate across public road.

SECTION 1. That any person or persons having gates across the public road or roads shall put up a good and sufficient hitch post at a reasonable distance on each side of the gate or gates, with a ring or hook attached thereto.

Violation of above section a misdemeanor.

SEC. 2. That any person or persons failing to comply with section one 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, or both, at the discretion of the court: *Provided*, this act shall apply to the county of Johnston **Proviso.** only.

SEC. 3. This act shall be in force from and after its ratification. Ratified the 8th day of March, A. D. 1899.

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CHAPTER 722.

**An act to prohibit the killing of deer in Caldwell county.**

*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any one to kill any deer in the county of Caldwell, North Carolina, for a period of six years, and any one so doing shall be guilty of a misdemeanor, and upon conviction shall be fined fifteen dollars, one half of such penalty to be paid to the informer or prosecutor, and the other half to be paid into the school fund of the district in which the offense shall be committed. **Unlawful to kill deer in Caldwell county for six years. Penalty.**

SEC. 2. This act shall be in force from and after its ratification. Ratified the 8th day of March, A. D. 1899.

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CHAPTER 723.

**An act to repeal chapter five hundred and fifty-three of the public laws of North Carolina.**

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter five hundred and fifty-three of the public laws of North Carolina at the session of eighteen hundred and ninety seven, be and the same is hereby repealed. **Regulating the fees of treasurer of Harnett county.**

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

Ratified the 8th day of March, A. D. 1899.

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CHAPTER 724.

**An act relating to the authority and powers of the joint committee on printing.**

*The General Assembly of North Carolina do enact :*

SECTION 1. That if at any time after the final adjournment of any session of the general assembly and prior to the session of the next succeeding general assembly the person, firm or corporation having the contract to do the public printing for the state should, on account of death, dissolution or other cause, become unable **Relating to authority and powers of the joint committee on printing.**

or should fail to do said public printing as provided by the contract existing therefor, then and in such case the joint committee on printing of the general assembly last in session are hereby authorized and empowered to meet in the city of Raleigh, upon the call of the chairman of the senate branch or house branch thereof, or upon the call of any three members thereof, and at such meeting, if said committee shall deem it necessary for the public interest they or a majority of them may make, execute and deliver a new contract for doing said public printing to some other person, firm or corporation upon the terms, conditions and provisions allowed by law.

Said committee may, under certain conditions, execute new contract.

Compensation per diem of members of committee.

SEC. 2. That for performing the services and duties provided for in section one above, each member of said joint committee who shall attend the said meeting shall be paid therefor the same per diem and mileage allowed members of the general assembly.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 4. This act shall be in force from and after its ratification. Ratified the 8th day of March, A. D. 1899.

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#### CHAPTER 725.

An act to appoint D. W. Turner a justice of the peace for Number Ten township, Cabarrus county.

*The General Assembly of North Carolina do enact :*

D. W. Turner appointed a justice of the peace for Cabarrus county.

SECTION 1. That D. W. Turner be and he is hereby appointed a justice of the peace for Number Ten township, Cabarrus county, for a term of six years, beginning on the first day of April, eighteen hundred and ninety-nine.

SEC. 2. That this act shall be in force from and after the first day of April, eighteen hundred and ninety-nine.

Ratified the 8th day of March, A. D. 1899.

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#### CHAPTER 726.

An act to repeal chapter one hundred and eight of the laws of eighteen hundred and seventy-nine, relating to public wharves and depots.

*The General Assembly of North Carolina do enact :*

Chapter 108, public laws of 1879, relating to public wharves, repealed.

SECTION 1. That chapter one hundred and eight of the laws of eighteen hundred and seventy-nine, which relates to public wharves and depots, 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. 1899.

CHAPTER 727.

An act to prevent hunting in Rich Square township without written permission of owner.

*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any person or persons to hunt or fish, with or without gun or dogs, or carry guns on the lands of another in Rich Square township, Northampton county, without the written permission of the owner of such lands: *Provided*, that nothing in this act shall apply to fox hunters without guns in pursuit of foxes with three or more dogs.

Unlawful to hunt or fish on another's land in Rich Square township, Northampton county, without permission; hunting for foxes excepted.

SEC. 2. Any person violating this act shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding ten dollars or imprisoned not more than thirty days.

Violation of this act a misdemeanor.

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

Ratified the 8th day of March, A. D. 1899.

CHAPTER 728.

An act to protect fish in Caldwell county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any person to use dynamite or other explosive in order to kill fish in any of the streams in Caldwell or Watauga counties.

Unlawful to kill fish with explosives in Watauga or Caldwell counties.

SEC. 2. That any person violating the provisions of this act shall be fined not more than twenty dollars, one half of which shall be paid to the informer, or be imprisoned not more than fifteen days.

Punishment for violation of this act.

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

Conflicting laws repealed.

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

Ratified the 8th day of March, A. D. 1899.

CHAPTER 729.

An act to regulate the time of drawing jurors.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section one thousand seven hundred and twenty two (1722) of The Code of North Carolina be amended so as to read as follows:

Section 1722 of The Code amended.

The board of county commissioners for the several counties at their regular meeting on the first Monday in June, in the year

Jurors, persons who have paid taxes and have good moral character;

eighteen hundred and ninety-nine (1899) and every two years thereafter shall cause their clerks to lay before them the tax returns of the preceding year for their county, from which they shall proceed to select the names of such persons only as have paid all the taxes assessed against them for the preceding year and are of good moral character and of sufficient intelligence.

Conflicting laws repealed.

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

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

Ratified the 8th day of March, A. D. 1899.

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#### CHAPTER 730.

##### An act for the relief of W. L. Stallings, sheriff of Edgecombe county.

*The General Assembly of North Carolina do enact :*

Act for the relief of W. L. Stallings, sheriff of Edgecombe county

SECTION 1. That the commissioners of Edgecombe county are hereby authorized to pay to Wright L. Stallings, sheriff of Edgecombe county, all fees and cost due to him for executing the bench warrant issued by Hon. Walter Clark, judge of the supreme court, for the arrest of James G. Mehegan and H. T. Latham; also all fees and costs due to him for executing and attempting to execute warrant issued by governor Russell, upon requisition from the governor of Georgia.

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

Ratified the 8th day of March, A. D. 1899.

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#### CHAPTER 731.

##### An act for the appointment of additional justices of the peace for Enfield township, in Halifax county.

*The General Assembly of North Carolina do enact :*

Appointment of additional justices of the peace for Enfield township, Halifax county.

SECTION 1. That B. D. Mann, J. T. Applewhite, W. C. Whitaker, J. R. Pettitt, S. G. Whitfield and J. H. Whitaker be and they are hereby elected and appointed justices of the peace for Enfield township, Halifax county, for a term of four years, beginning April first, eighteen hundred and ninety-nine; and also F. M. Parker, W. H. McGwigan, W. V. Bobbitt and R. L. Stokes, of Brinkleyville township, in said county, for same time.

SEC. 2. That said justices shall qualify before the clerk of the superior court of their county by taking the usual oath for mag-

Required to qualify on or before June 1, 1899.

istrates on or before the first day of June, eighteen hundred and ninety nine.

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

Conflicting laws repealed.

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

Ratified the 8th day of March, A. D. 1899.

## CHAPTER 732.

### An act to revise and consolidate the public school law.

*The General Assembly of North Carolina do enact :*

SECTION 1. The state board of education shall on the first Monday in August of each and every year apportion among the several counties of the state all the school funds which may then be in the treasury of the said board, and order a warrant for the full apportionment to each county, which said apportionment shall be made on the basis of the school population: *Provided*, that no part of the permanent school fund shall be apportioned or distributed, but only the income therefrom.

Apportionment of school funds among the several counties of state.

Proviso.

SEC. 2. The state auditor shall keep a separate and distinct account of the public school funds and of the interest and income thereof, and also of such moneys as may be raised by state, county and capitation tax or otherwise for school purposes.

State auditor to keep accounts of school funds.

SEC. 3. Upon the receipt of the requisition of the treasurer of any county, duly approved by the chairman and secretary of the county board of school directors, for the school fund which may have been apportioned to said county, the state board of education shall issue its warrant on the state auditor for the sum due said county; whereupon the said auditor shall draw his warrant on the treasurer of the state board of education in favor of such county treasurer for the amount set forth in the warrant of the said state board.

When state auditor to draw warrant in favor of county treasurer.

SEC. 4. The state treasurer shall receive and hold as a special deposit all school funds paid into the treasury, and pay them out only on the warrant of the state auditor, issued on the order of the state board of education in favor of a county treasurer, duly endorsed by the county treasurer in whose favor it is drawn, and it shall be the only valid voucher in the hands of the state treasurer for the disbursement of school funds.

Warrant of state auditor only valid voucher in hands of state treasurer for disbursement of school funds.

SEC. 5. The proceeds of all lands that have been or may hereafter be granted by the United States to this state and not otherwise appropriated by this state or the United States; also all

What shall constitute state fund for maintenance of public schools.

moneys, stocks, bonds, and any other property now belonging to any state fund for the purpose of education; also the net proceeds of sales of swamp lands belonging to the state, and all other grants, gifts or devises that have been made or hereafter may be made to this state and not otherwise appropriated by this state or by the terms or 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 set apart for that purpose shall be faithfully appropriated for establishing and maintaining a system of free public schools as established in pursuance to the constitution.

What shall constitute county fund for maintenance of public schools.

SEC. 6. All moneys, stocks, bonds and other property belonging to the county school fund, also the net proceeds from sales 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 equivalent for exemption from military duties; also the net proceeds of any tax imposed on licenses to retailers of wines, cordials or spirituous liquors and to auctioneers 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 as established in pursuance of the constitution: *Provided*, the amount collected in each county shall be reported annually to the state superintendent of public instruction. The solicitors of the several judicial districts, criminal and inferior courts, shall prosecute all penalties and forfeited recognizances entered in their courts respectively, and as compensation for their services shall receive a sum fixed by the court, not less than five per centum of the amount collected upon such penalty or forfeited recognizance for the collection of which execution was found to be necessary.

Proviso.

Solicitor to prosecute all penalties and forfeited recognizances; compensation.

When tax levied by state insufficient to maintain school four months, duty of county commissioners.

SEC. 7. If the tax levied by the state for the support of the public schools shall be insufficient to maintain one or more schools in each school district for the period of four months, then the board of commissions [commissioners] of each county may levy annually a special tax to supply the deficiency for the support and maintenance of said schools for the said period of four months or more.

The said tax shall be collected by the sheriff in money, and he shall be subject to the same liabilities for the collection and accounting of said tax as for other taxes. The said tax shall be levied on all property, credits and polls of the county; and in the assessment of the amount on each the commissioners shall observe the constitutional equation of taxation, and the fund thus raised shall be expended in the county in which it is collected in such manner as the county board of school directors may determine for maintaining the public schools for four months at least

On what property tax levied; constitutional equation to be observed.

in each year. The county board of school directors on or before the annual meeting of the commissioners for levying county taxes shall make an estimate of the amount of money necessary to maintain the schools for four months and submit it to the county commissioners.

County board of school directors to make estimate.

SEC. 8. The superintendent of public instruction shall have the school laws published in pamphlet form and distributed on or before the first day of May of each year. He shall send to each officer a circular letter enumerating his duties as prescribed in this act. He shall have printed in all the forms necessary and proper for the purposes of this chapter, and shall look after the school interest of the state and report biennially to the governor at least five days previous to each regular session of the general assembly, which report shall give information and statistics of the public schools and recommend such improvements in the school law as may occur to him. He shall keep his office at the seat of government and shall sign all requisitions on the auditor for the payment of money out of the state treasury for school purposes. Copies of his acts and decisions and of all papers kept in his office and authenticated by his signature and official seal shall be of the same force and validity as the original. He shall be furnished with such room, fuel and stationery as shall be necessary for the efficient discharge of the duties of his office.

When school law to be published and distributed.

Superintendent of public instruction to make biennial report.

Shall sign requisitions on auditor.

SEC. 9. The superintendent of public instruction shall direct the operation of the system of public schools and enforce the laws and regulations in relation thereto. It shall be his duty to correspond with leading educators in other states and to investigate the systems of public schools established in other states, and as far as practicable, render the results of educational efforts and experiences available for the information and aid of the legislature and state board of education.

Shall direct operation of public school system, etc.

Shall investigate public school systems of other states, etc.

SEC. 10. It shall be the duty of the superintendent of public instruction to acquaint himself with the peculiar educational wants of the several sections of the state, and he shall take all proper means to supply said wants by counselling with county boards of school directors and county superintendents of schools by lectures before teachers' institutes and by addresses to public assemblies on subjects relating to public schools and public school work, and he shall be allowed for travelling expenses and for additional clerical assistance five hundred dollars per annum.

Other duties of state superintendent.

SEC. 11. In case the state superintendent shall have sufficient evidence at any time that any county superintendent of schools or any member of the county board of school directors 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 school

Delinquencies of county school officers; duty of state superintendent.

directors, 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 school directors to the state board of education, which shall have full power to investigate and review the decision of the county board of school directors:

**Proviso.** *Provided,* this section shall not be construed to deprive each county superintendent of the right to try his title to said office in the courts of the courts [state].

Salary of clerk  
\$1,000.

**SEC. 12.** The state superintendent of public instruction is authorized to employ a clerk at a salary of one thousand dollars per annum, which shall be paid monthly by the state treasurer on the warrant of the auditor out of any funds which may be in the treasury not otherwise appropriated: *Provided,* the said superintendent is not hereby authorized to employ more than one clerk at said salary, one thousand dollars.

**Proviso.**

County board of  
school directors,  
how constituted.

**SEC. 13.** The general assembly shall appoint three men in each county of good business qualifications and known to be in favor of public education, who shall constitute a county board of school directors, which board shall enter upon the duties of its office immediately upon the qualification of a majority of its members: *Provided,* in case of vacancy by death, resignation or otherwise, said vacancy shall be filled by the other members of the county board of school directors: *Provided further,* that the members of the county board of school directors herein provided for shall hold office until the first Monday in July, nineteen hundred and one, at which time the board of county commissioners in each county shall elect the board of school directors, and every two years thereafter.

**Proviso.**

**Proviso.**

County board of  
school directors  
to prosecute  
actions for recovery  
of moneys or  
property belonging  
to county  
schools.

**SEC. 14.** The county board of school directors shall have power and authority and it shall be their duty to institute and prosecute any and all actions, suits or proceedings against any and all officers, persons or corporations and their sureties for the recovery, preservation and application of all moneys or property which may be due to or should be applied to the support and maintenance of the schools, except in case of breach of bond on the part of the treasurer of the county school fund, in which case action shall be brought by the county commissioners as provided in section fifty. The county board of school directors and all other school officials in the several counties shall obey the instructions of the state superintendent and accept his constructions of the school law.

Election of  
county superintendent;  
qualifications.

**SEC. 15.** The county board of school directors shall on the second Monday in July, eighteen hundred and ninety-nine, and biennially thereafter, elect a county superintendent of schools,

who shall be at the time of his election a practical teacher or who shall have had at least two years experience in teaching school, or in public school work or as county superintendent of public schools. Said superintendent must 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. Immediately after the election of the county superintendent of schools the chairman of the county board of school directors shall report to the state superintendent of public instruction the name, address and experience of the person elected, and the person elected shall report to the state superintendent as soon as he shall have qualified the [date] of such qualification: *Provided*, in case of vacancy by death, resignation or otherwise the county board of school directors shall fill said vacancy.

State superintendent to be notified.

Proviso.

SEC. 16. The county board of school directors of each county shall on the second Monday of July, eighteen hundred and ninety nine, and biennially thereafter, appoint in each of the townships of the county three 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 township school trustees in their respective townships and until their successors are elected and qualified. If a vacancy should occur at any time by death, resignation or otherwise it shall be the duty of the county board of school directors to fill such vacancy.

Township trustees, how appointed; term of office; vacancies.

SEC. 17. The county board of school directors shall on the second Monday in January and second Monday in July of each year apportion the school fund of the county to the various townships in said county per capita: *Provided*, that the county board of school directors, before apportioning the school fund to the various townships shall reserve as a contingent fund an amount sufficient to pay the salary of the county superintendent of schools and per diem and expenses of the county board of school directors. As soon as the apportionment is made, the county board of school directors shall post a statement at the court house door, showing the amount apportioned to the several townships in the county, and they shall also notify the school trustees of each township of the amount apportioned to their respective townships. The county board of school directors shall also furnish the treasurer of the county school fund a statement of the amounts apportioned to the several townships in the county.

Apportionment of county school fund.

Proviso.

Publication and notice of apportionment.

SEC. 18. The semi annual apportionment of public school moneys shall be based upon the amounts actually received by the county treasurer from all sources and reported by him to the county board of school directors as required by this act.

Apportionment based on amounts received by county treasurer.

Provision for  
county teachers'  
institutes.

SEC. 19. The county board of school directors of any county may annually appropriate an amount not exceeding fifty dollars out of the school funds of the county for the purpose of conducting one or more teachers' institutes for said county, or the county boards of school directors of two or more adjoining counties may appropriate an amount not exceeding fifty dollars to each county for the purpose of conducting a teachers' institute for said counties at some convenient and satisfactory point, and the public school teachers of the said county or counties are required to attend said institute unless prevented from attending by sickness or other good cause. A county teachers' institute under this section shall be conducted by the county superintendent of schools, assisted by some member of the state board of examiners or a member of the faculty of the normal department of the University of North Carolina or of the State Normal and Industrial College, or of the Agricultural and Mechanical College at Raleigh, or by some practical teacher appointed by said state board of examiners: *Provided*, that the local and travelling expenses of the persons thus appointed shall be paid out of the general public school fund of the county by order of the county board of school directors: *Provided*, that the teachers institutes shall be held for the white race and the colored race separate and apart from each other.

By whom said  
institutes con-  
ducted.

Proviso.

Meetings of  
school directors.

SEC. 20. The county board of school directors of each county shall hold four regular meetings every year, viz: On the second Monday of January, April, July and October for the transaction of such business as may come before it: *Provided*, 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. At each regular meeting it shall be the duty of the board to examine the books and vouchers of the treasurer of the county school fund and to audit his accounts: *Provided*, that the county board of school directors shall have power to fix the maximum monthly salary for first grade teachers.

Proviso.

Duties of di-  
rectors.

Proviso.

Power of direct-  
ors to preserve  
order.

SEC. 21. The county board of school directors of each county shall have power to punish for contempt for any disorderly conduct or disturbance tending to interrupt them in the transaction of their official business, and every person who shall willfully interrupt or disturb any public or private school or any meeting lawfully and peacefully held for the purpose of literary and scientific improvement, either within or without the place where such meeting or school is held, or injure any school building or deface any school furniture, apparatus or other school property, shall be guilty of a misdemeanor and fined not exceeding fifty dollars or imprisoned not more than thirty days. Any person who shall willfully set fire to any school house or procure the same to be

Disturbance of  
public or private  
schools, etc.

done shall be guilty of a misdemeanor, and upon conviction shall be punished by imprisonment in the penitentiary or county jail, and may also be fined in the discretion of the court.

Willfully setting fire to school-house a misdemeanor.

SEC. 22. The township school trustees shall, as soon after their election and qualification as practicable, not to exceed fifteen 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 shall be reported to the county superintendent of schools and recorded by him in a book kept for that purpose.

Organization of township board of trustees.

SEC. 23. Within fifteen days from the date of their election the township school trustees shall elect for each school in their respective townships three school committeemen, who shall hold office for two years and until their successors are appointed and qualified, and no one shall be elected a committeeman for more than one school of each race, and said trustees shall determine the boundaries of the district in which each school is situated.

Election of school committeemen; term of office.

SEC. 24. The township school trustees shall divide their respective townships into convenient school districts as compact in form as practicable. They shall consult the convenience and necessities of each race in setting the boundaries of the school district for said race, and shall create no district with less than sixty five children of school age, unless prevented by geographical reasons or sparsely settled neighborhoods.

Township trustees to create school districts, etc.

SEC. 25. It shall be the duty of the township school trustees to distribute and apportion the school money of their townships so as to give each school in their township for each race 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 for each race within their district [township]: *Provided*, that the said township trustees shall fix the maximum salary for each school in their respective townships, subject to the provisions of section twenty.

Apportionment of money for each race; equal length of terms.

SEC. 26. It shall be the duty of the township school trustees to notify the district school committeemen, the county superintendent of schools and the treasurer of the county school fund of the amount apportioned to each district; and each district shall be designated as school district number one, two, three, etc., for white, colored or Indian in --- township, in the county of ---

Proviso.

District committeemen, county superintendent and treasurer of county school fund notified of amount apportioned each district; how districts designated.

SEC. 27. The school committee of each school district shall be a body corporate by the name and style of "The School Committee of District Number ----- in ----- township, in the county of -----," and by that name shall be capable of purchasing and holding real and personal estate and of selling and transferring

Corporate name of district committee; powers.

the same for school purposes, and of building school houses, and of prosecuting and defending suit for or against the corporation. All conveyances to school committees shall be to them and their successors in office.

Census report of pupils of school age to be furnished county superintendent.

SEC. 28. The school committee of each district is required to furnish the county superintendent of schools a census report of all the pupils of school age in their district, by name, age, sex and race; also name of parent or guardian, and the blanks upon which said reports are to be made shall be furnished to the various school committees by the county superintendent of schools on the first Monday in August in each year, which report shall be duly verified under oath by at least one member of the committee and returned to the county superintendent of schools on or before the first Monday in October each year, and any committee failing to comply with the provisions of this section without just cause shall be subject to removal. The district committee shall give the same information at the same time to the township school trustees; and the said committee shall also report to the county superintendent of schools the number of public school houses and the value of all public school property for each race separately and furnish to the teacher at the opening of the school a register containing the name and age of each pupil of school age in that district.

Penalty for violation of this section.

Other reports, by district committee, to county superintendent.

School register to be furnished teachers.

Election of chairman and secretary of district committee.

SEC. 29. The school committee of each school district shall, as soon after their election and qualification as practicable, not to exceed fifteen 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 school directors and recorded by him in a book kept for that purpose.

Name and address of said officers recorded.

Relating to employment of teachers.

SEC. 30. The school committees shall have authority to employ and dismiss teachers in their respective districts; but no contract shall be made during any year to extend beyond the term of office of the committee, nor for more money than accrues to the credit of the district for the fiscal year during which the contract is made. No person shall be employed as a teacher who does not produce a certificate from the county superintendent of schools or other parties authorized by law to issue the same and dated within the time prescribed by law. Teachers of second grade shall receive not more than twenty five dollars per month out of the public fund, and teachers of first grade may receive such compensation as shall be agreed upon; but no teacher shall receive any compensation for a shorter term than one month, unless providentially hindered. Twenty school days of not less than six hours each shall be a month: *Provided*, that the school term

Salaries.

Twenty school days to constitute a "month." Provisos.

be continuous as far as practicable: *Provided further*, that certificates issued by any institution as now provided by law shall be void whenever the person holding said certificate shall for three (3) consecutive years fail to teach in some school in the state.

SEC. 31. At the end of every term of a public school the teacher or principal of the school shall exhibit to the school committee of the district a statement of the number of pupils, male and female, the average daily attendance, the length of term and the time taught. If the committee are satisfied that the provisions of this act have been complied with they shall give an order on the treasurer of the county school fund, payable to said teacher, for the full amount due for services rendered: *Provided*, that statements may be made by the teacher and approved by the committee: *Provided further*, that when the monthly report of any school where the district does not contain over one hundred and fifty (150) children of school age shows an average daily attendance of less than one-fifth of the school census the committee shall at once order the school to be closed, and the money due said district shall remain to the credit of that district.

Report of teacher to committee at end of term.

When treasurer to give order for teachers' salary.

Proviso.

SEC. 32. The school committee may receive any gift, grant, donation or devise made for the use of any school or schools within their jurisdiction, and in their corporate capacity they shall be entrusted with the care and custody of all school houses, school house sites, grounds, books, apparatus or other public school property belonging to their respective jurisdictions, with full power to control the same as they may deem best for the interest of the public schools and the cause of education. When in the opinion of the committee any school house, school house site or other public school property has become unnecessary for public school purposes they shall sell the same at public auction, after advertisement for twenty days at three public places in the county. The deed for the property thus sold shall be executed by the chairman and clerk of the committee, and the proceeds of the sale shall be paid to the treasurer of the county school fund for the school expenses in said school district.

School committee's authority with reference to school property of whatsoever kind.

SEC. 33. The school committee may receive suitable sites for school houses by donation or purchase. In the latter case they shall report the price to the chairman and secretary of the county board of school directors. If the latter are satisfied that the price is not excessive and that it is suitable in respect to its location, they shall approve the order of the committee on the treasurer of the county school fund for the purchase-money, and upon payment of the order the title to said site shall vest in the committee and their successors in office. Whenever the committee are unable to obtain a suitable site for a school by gift or purchase they shall report to the county superintendent of

Regulations concerning school sites.

When appraisers appointed to lay off land and assess value.

schools, who shall upon five days' notice to the owner of the land apply to the clerk of the superior court for the appointment of three appraisers, who shall lay off, by metes and bounds [bounds], not more than one acre and assess the value thereof. They shall make a written report of their proceedings, to be signed by them or by a majority of them, to the said clerk within five days from their appointment, who shall enter the same upon the records of the court. If said report is confirmed by the clerk of the court, the chairman and secretary shall approve the order which the district school committee shall give on the treasurer of the county school fund in favor of the owner of the land thus laid off, and upon the payment or offer of payment of this order the title to said land shall vest in the school committee and their successors in office: *Provided*, improved land shall not be condemned under this section unless it be essential to secure a proper location: *Provided further*, any person aggrieved by the action of said appraisers may appeal [to] the superior court of the county in which land is situated, upon giving bond to secure the committee against such costs as may be incurred on account of said appeal not being prosecuted with effect.

Proviso.

Proviso.  
Deeds to be inspected by school directors before registration.

SEC. 34. All deeds to school committeemen shall be delivered by them [to] the county board of school directors for inspection before registration, and the board of directors shall have said deeds recorded and delivered to the clerk of the court for safe keeping.

District committee may employ teacher of private school.

SEC. 35. In any school district where there may be a private school regularly conducted for at least nine months in the year the school committee may contract with the teacher of such school to give instruction to all pupils between the ages of six and twenty one years in the branches of learning taught in the public schools as prescribed in this act, without charge and free of tuition; and such school committee may pay such teacher for such service out of the public school funds apportioned to the district, and the agreement as to such pay shall be arranged between the committee and teacher: *Provided*, every teacher of the public school branches in said school shall obtain a first grade certificate before beginning his or her work, and shall from time to time make such reports as are required of other public school teachers under this act: *Provided further*, that the county superintendent of schools shall have the same authority in respect to the employment and dismissal of teachers under this section and in every other respect as is conferred in other sections of the law: *And provided further*, that all contracts made under this section shall designate the minimum length of the public school term, which shall not be less than the average length of the public school terms of the county of the preceding year: *And provided*

Proviso.

Proviso.

Proviso.

Proviso.

further, that the amount paid said private school for each pupil in the public school branches, based on the average daily attendance, shall not exceed the regular tuition rates in said school for said branches of study.

SEC. 36. No contracts for teachers' salaries shall be made during any fiscal year for a larger amount of money than accrues to the credit of the respective districts for the year, and no committee shall give an order unless the money to pay it is actually to the credit of the district, and no part of the school fund for one year shall be used to pay school claims for any previous year.

SEC. 37. The school committee of each district shall keep a book in which shall be kept an accurate account of all moneys apportioned to, received and expended by them, and a copy of all contracts made by them with teachers.

SEC. 38. The county superintendent of schools shall be ex officio the secretary of the board of school directors. He shall record all of the proceedings of the board of school directors, issue all notices and orders that may be made by said board pertaining to the public schools, school house sites or districts (which notices or orders it shall be the duty of the secretary to serve by mail or personal delivery without cost), and record all school statistics, look after all forfeitures, fines and penalties; see that the same are placed to the credit of the school fund and report the same to the board of school directors. The county board of school directors shall provide the county superintendent of schools with an office and with a suitable book in which to keep the records required by this section. The records of the board of school directors and of the county superintendent of schools shall be kept in the office provided for that purpose by the said directors.

SEC. 39. The county superintendent of schools of each county shall examine all applicants of good moral character for teachers' certificates at the court-house in the county on the second Thursdays of April, July and October of every year, and continue the examination from day to day during the remainder of the week, if necessary, till all applicants are examined; and for the examination of teachers at any other time than above named he shall require of such applicants a fee of one dollar in advance, and all fees for private examinations shall be paid by the county superintendent of schools to the treasurer of the county school fund 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 superintendent of schools when in his discretion it may be for the convenience of the teachers of his county. A general average of ninety per centum and over shall entitle an applicant to a first-grade certificate; a general average of eighty per centum or more

Relating to contracts with teachers and their salaries.

District committees to keep copies of contracts with teachers and account of moneys received and expended. County superintendent ex officio secretary of board of school directors; duties.

Directors to furnish superintendent with office.

When examination of applicants for teachers' certificate to be held.

When applicants for teachers' certificate to pay fee for examination.

Where examinations to be held.

When and for what time certificate may be granted.

Course of study.

Examinations to be public.

County superintendent to confer with teachers as to methods, etc.

Authority of county superintendent over teachers.

County superintendent to visit schools, etc.

Blanks and registers to be furnished school committees.

Gathering and reporting school statistics.

County superintendent to make annual report to state superintendent of number, grade, race and sex of teachers, etc.

shall entitle the applicant to a second-grade certificate; but if the applicant shall fall below sixty per centum in any one study he shall receive no certificate. The certificates shall be valid for one year from their dates and only in the county in which they were issued. The branches taught in the public schools shall be spelling, defining, reading, writing, arithmetic, English grammar and composition, geography, nature and effect of alcoholic drinks and narcotics, elementary physiology and hygiene, civil government, history of North Carolina and of the United States, and such other branches as the district school committee may direct. The county superintendent of schools shall hold his examinations publicly, and may invite competent persons to assist him in such examinations. He shall keep a copy of all examination questions, both public and private, and shall forward copies of the same to the state superintendent upon request.

SEC. 40. It shall be the duty of the county superintendent of schools 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 superintendent of schools may be required to visit the public schools of his county while in session under the direction of the county board of school directors, and shall inform himself of the condition and need of the various schools within his jurisdiction: *Provided*, that when he visits the schools he shall pay his own expenses.

SEC. 41. It shall be the duty of the county superintendent of schools to contribute to the various school committees of his county all such blanks as may be furnished by the state superintendent of public instruction for reports of school statistics of the several districts; also blanks for teachers' reports and for orders on the treasurer of the county school fund for teachers' salaries; he shall also distribute to the school committees school registers for their respective districts; he shall advise with said committees as to the best methods of gathering the school statistics contemplated by such blanks, and by all proper means shall seek to have such statistics fully and promptly reported.

SEC. 42. It shall be the duty of the county superintendent of schools in each county on or before the first Monday in July of every year to report to the state superintendent of public instruction

tion an abstract statement of the number, grade, race and sex of the teachers examined and approved by him during the year; also the number of public schools taught in the county during the year for each race; the number of children of school age in each school district, the number enrolled in each district, and the average daily attendance in each district by race and sex. He shall also report by race and sex the number of pupils of each race enrolled in all the schools: their average attendance, the average length of terms of said schools, and the average salary respectively for the teachers of each race; the number of school districts for each race and any new school districts laid out during the year shall be specified in the report. He shall also report the number of public school houses and the value of public school property for each race; the number of teachers' institutes held, and the number of teachers that attended such institutes, together with such suggestions as may occur to him promotive of the school interests of the county. The county superintendent of schools shall record in his book an accurate copy of his report to the state superintendent of public instruction: *Provided*, that if any county superintendent of schools fails or refuses to perform any of the duties required of him by this act he shall be subject to removal of his office by the county board of school directors upon the complaint of the state superintendent of public instruction.

County superintendent to keep record of his annual report to state superintendent. Proviso.

SEC. 43. In case the county superintendent of schools 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 township school trustees, who shall thoroughly investigate the charges and shall remove said committeeman and appoint a successor if sufficient evidence shall be produced to warrant his removal or the best interests of the schools in his district demand it.

When members of district committee may be removed.

SEC. 44. In case the county superintendent of schools shall have sufficient evidence at any time that any township school trustee 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 school directors, which shall thoroughly investigate the charges and shall remove said trustee and appoint his successor if sufficient evidence shall be produced to warrant his removal or the best interests of the schools of the township demand it.

When member of township school trustees may be removed.

SEC. 45. It shall be the duty of the county superintendent of schools to require of the school committees of the various school districts in enumerating the number of school children to make a statement in the report of the number of deaf, dumb and blind

District school committees to report number of deaf and dumb and blind children.

between the ages of six and twenty-one years, designating the race and sex and the address of the parent or guardian of said children; and the county superintendents of schools are hereby required to furnish such information to the principals of the deaf, dumb and blind institutions, and the superintendent of public instruction, in preparing [preparing] blanks as directed in The Code, section three thousand three hundred and seventy, shall include questions, answers to which will give the information aforesaid.

**Compensation of county superintendent.** SEC. 46. The compensation of the county superintendent of schools shall be not less than two dollars nor more than three dollars per day for such days as he shall be actually engaged in the duties pertaining to his office, and he shall present to the county board of school directors at their regular meetings in January, April, July and October, 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 school directors the chairman of the board shall issue a warrant upon the treasury for the payment of the amount due the county superintendent of schools for said services: *Provided*, that application for services shall in no case be made nor compensation allowed for more days of service during any fiscal year than the average length of the school term in the county of said year, increased by fifty per centum thereof.

**Proviso.**

**School committeemen to be furnished with blank deeds for school-house sites.** SEC. 47. It shall be the duty of the superintendent of schools to furnish school committeemen with blank deeds for school house sites. If a school house site has been purchased, an ordinary fee simple deed shall be executed. If a site has been donated the donor may provide in the deed of gift that the title to the site, but not to the improvements, shall revert to him or his heirs in case the same shall cease to be used for school purposes for the space of three years.

**School officers to take oath of office.** SEC. 48. The members of the county board of school directors, the township school trustees, the district school committeemen and the county superintendent of schools in each county shall before entering upon the duties of their office take oath for the faithful performance thereof.

**County treasurer to receive and disburse public school funds; shall give bond.** SEC. 49. County treasurer of each county shall receive and disburse all public school funds and shall keep the same separate and distinct from all other funds, but before entering upon the duties of his office he shall execute a justified treasurer's bond with security in double the amount of all public school moneys received by him or his predecessors during the previous year, conditioned for the faithful performance of his duties as treasurer of the county school fund, and for the payment over to his successor in office of any balance of school moneys that may be in his hands unexpended, and the county board of commissioners

may from time to time if necessary require him to strengthen said bond, and in default thereof the members of the county board of commissioners shall be guilty of a misdemeanor.

SEC. 50. The bond of the treasurer of the county school fund shall be approved by the board of county commissioners, and they shall bring action for any breach thereof, and on their failure to bring such action as [it] may be brought in the name of the state, on the relation of taxpayer. The said bond shall be separate, not including liabilities for other funds, and shall be in double the amount of school funds which he may receive or which were received by his predecessor during the previous year.

Amount of bond; to be approved by county commissioners.

SEC. 51. 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 two members of the committee, when by the county superintendent of schools, who shall place his seal upon it: *Provided, however*, that no order shall be signed by the county superintendent of schools for more money than is to the credit of that district for the fiscal year, nor shall said superintendent of schools endorse the order of any teacher who does not procure a certificate as required in section thirty: *Provided*, the said treasurer shall not pay any school money for building or repairing any school house unless the site on which it is located has been donated to or purchased by the school committee of the district in which said house is located and a deed for the same regularly executed and delivered to said committee and their successors in office, probated, registered in the office of register of deeds for the county and delivered to the clerk of the court to be by him safely deposited with his valuable official papers, and surrendered to his successor in office, and for default he shall be liable on his official bond for any sum thus illegally paid: *Provided further*, that the county superintendent of schools shall approve no voucher for the payment of charts, maps or globes except upon the order passed by the school committee and the township school trustees in a duly called meeting, and all orders thus made shall be recorded upon the books of the township school trustees and the books of the school committee.

Orders on treasurer for payment of money to be signed by two members of committee and county superintendent.

Proviso.

Proviso.

Proviso.

SEC. 52. It shall be the duty of the treasurer of the county school fund to keep a book in which he shall open an account with each township in the county, showing the amount apportioned to the various townships by the county board of school directors. He shall also open an account with each school district, showing the amount apportioned to various districts by the township trustees. He shall record the date of all payments of school moneys, the name of the person to whom paid and for

County treasurer to keep accounts with each township and district of amount apportioned to same.

County treasurer to balance accounts of townships annually.

Treasurer of county school fund to produce books, etc., for examination.

Treasurer of county school fund to make annual itemized report to state superintendent of moneys received and disbursed.

Said treasurer to make other reports.

Said treasurer to keep detailed account of moneys received.

Proviso.

Violation of this act by treasurer, how punished.

Duty of sheriff with regard to school moneys; penalty.

what purpose and the several amounts. He shall balance the accounts of each township and district annually on the thirtieth day of June in each year, and shall report by letter or printed circular, within ten days thereafter, said balances to the county board of school directors and to the township school trustees of each township.

SEC. 53. The treasurer of the county school fund shall, when required by the county board of school directors, produce his books and vouchers for examination, and shall also exhibit all moneys due the public school fund of the county at each settlement required by this act.

SEC. 54. The treasurer of the county school fund of each county shall report to the state superintendent of public instruction on the first Monday of July of each year the entire amount of school money received and disbursed by him during the preceding school year, designating by items the amounts received respectfully [respectively] from property tax, poll tax, liquor licenses, fines, forfeitures and penalties, auctioneers, estrays, from state treasurer and from all other sources. He shall also designate by item the sums paid to teachers of each race respectively, for school houses, school house sites in the several districts, and for all other purposes specifically and in detail by items, and on the same day he shall file a duplicate of said report in the office of the county board of school directors. He shall make such other reports as the county board of school directors of the county may require from time to time.

SEC. 55. The treasurer of the county school fund shall keep a book in which shall be entered a full and detailed account of all public school moneys received by him, the name of each person paying him school money, the source from which the same may have been derived and the date of such payment: *Provided*, in his settlement with the sheriff or other collecting officer of public school taxes or other school funds the said treasurer shall receive money only.

SEC. 56. Any treasurer of a county school fund failing to make the reports required of him at the time and in the manner prescribed, or to perform any other duties required of him in this act, shall be guilty of a misdemeanor and be fined not less than fifty dollars and not more than two hundred dollars or imprisoned not less than thirty days nor more than six months, in the discretion of the court.

SEC. 57. The sheriff of each county shall pay annually in money to the treasurer of the county school fund, on or before the thirty-first day of December of each year, the whole amount levied, less such sum or sums as may be allowed on account of insolvents, for the current year, by both state and county for school purposes.

and on failure to do so shall be guilty of a misdemeanor and fined not less than two hundred dollars and be liable to an action on his official bond for his default in such sum as will cover such default, said action to be brought to the next ensuing term of the superior court, and upon the relation of the county commissioners for and in behalf of the state.

SEC. 58. The sheriff or other collecting officers shall take duplicate receipts of the treasurer of the county school fund for such payments as he may make under this act, one copy of which shall be transmitted to the auditor of the state and one to the chairman of the county board of school directors, and upon his failure to do so he shall be guilty of a misdemeanor and fined or imprisoned as in section fifty-six of this act.

Sheriff to take receipts in duplicate for moneys paid treasurer; penalty.

SEC. 59. Whenever the sheriff or other collecting officer pays over money to the treasurer of the school fund he shall designate the items as indicated in section fifty-four of this act, and these items shall be stated in the receipts given by the treasurer.

Sheriff to designate items when paying moneys to treasurer. Duty of treasurer.

SEC. 60. If the term of office of any treasurer shall expire on the thirtieth day of November during any fiscal school year, or if for any reason he shall hold office beyond the thirtieth day of November and not for the whole of the current fiscal school year, he shall at the time he goes out of office file with the county board of school directors and with his successor a report itemized as required by section fifty-four of this act, covering the receipts and disbursements for that part of the fiscal school year from the thirtieth of June preceding to the time at which he turns over the office to his successor, and his successor shall include in his report to the state superintendent the receipts and disbursements for the current fiscal school year.

When term of office of treasurer expires during fiscal school year, what report to be made.

SEC. 61. Each treasurer of the county school fund on going out of office shall deposit in the office of the board of school directors of his county his books in which are kept his school accounts, and all records and blanks pertaining to his office.

Treasurer, on going out of office, to deposit books with directors.

SEC. 62. The treasurer of the county school fund shall, on the last Saturday of each month, attend at his office for the purpose of paying school orders, but this shall not be construed to prevent the payment of orders at other times; and he shall be allowed for compensation as treasurer of the school fund such sum as the board of school directors may allow him, not to exceed two per centum of his vouchers paid on orders of school committees.

School orders, when and where to be paid; compensation.

SEC. 63. On the second Monday of July the county board of school directors, county superintendent of schools and treasurer shall meet at the office of the board and settle all the business of the preceding fiscal year. The board shall on that day examine

Annual meeting of county officers for settlement of business of preceding year.

the reports of treasurer and county superintendent, and if found correct shall direct them to be forwarded.

Form of tax lists to be furnished county commissioners by state auditor.

SEC. 64. The auditor of the state shall include on the form which he furnishes to the board of county commissioners and on which the tax lists are to be made out, separate columns for school, poll tax and school property tax, in one of which columns shall be entered the total poll tax levied by the general assembly and the county authorities for schools due by each taxpayer, and in the other the total property tax levied by the general assembly and the county authorities for schools due by each taxpayer. The auditor's form shall likewise show in separate columns the polls of each race, and in separate columns the property of each race, and the list taker's form shall be arranged accordingly.

Abstract of tax lists to be furnished by register of deeds to school directors

SEC. 65. The register of deeds shall furnish to the board of school directors as soon as the tax lists are made out an abstract of said lists, showing in separate columns the total amount of poll tax borne on said lists, and also the total amount of property tax borne on the same, and shall furnish such other information from his office as the county board of school directors may require.

Clerks of criminal courts to furnish statement of fines, etc., to county directors. Penalty.

SEC. 66. The clerks of all criminal courts shall furnish immediately upon the close of the term to the county board of school directors of the county a detailed statement of fines, forfeitures and penalties which go to the school fund that have been imposed or which have accrued during a term. Any clerk failing to comply with the duties herein prescribed shall be guilty of a misdemeanor, and shall upon conviction be fined or imprisoned in the discretion of the court.

Duty of teachers.

SEC. 67. It shall be the duty of all teachers of free public schools to maintain good order and discipline in their respective schools, to encourage morality, industry and neatness in all of their pupils, and to teach thoroughly all the branches which they are required to teach. If any pupil shall willfully and persistently violate the rules of the school, such pupil may be dismissed by the teacher for the current term.

Pupils may be dismissed for violation of rules. Teacher or principal, at end of term, shall make report to county superintendent.

SEC. 68. Every teacher or principal of a school to which aid shall be given under this act shall keep a daily record of the attendance of the pupils. At the end of every term every principal or teacher of a public school shall report to the county superintendent of schools the length of term of school, the race for which it was taught, the number, sex and average daily attendance of the pupils and the number of the district in which the school was taught, and such other information as the county superintendent of schools may request.

Children between six and twenty-one years may be admitted to school. Proviso.

SEC. 69. Every school to which aid shall be given under this act shall be a public school, to which all children living within the district between the age of six and twenty-one years shall be

admitted free of charge for tuition: *Provided*, the admission of pay students be under the direction of the committee: *Provided further*, that the committee or the county superintendent of schools may exclude persons of immoral lives or character.

SEC. 70. The principal or superintendent of every school, supported in whole or in part by public funds, shall report to the state superintendent at such time and in such form as he may direct.

SEC. 71. In determining the right of any child to attend the schools of either race the rule laid down in section one thousand eight hundred and ten of The Code, regulating marriages, shall be followed.

SEC. 72. The fiscal school year shall begin on the first day of July and close on the thirtieth of June next succeeding.

SEC. 73. It shall be unlawful for any member of any board of directors, board of managers, 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 or examiners 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 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 for any of said institutions or schools. Nor shall any of said officers, agents, managers, teachers or employees of said institution or school or state or county officer 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 schools; 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 to any of the said institutions or schools. Any person violating the provisions 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 dollars nor more than five hundred dollars and be imprisoned in the discretion of the court.

SEC. 74. The nature of alcoholic drinks and narcotics and special instruction as to their effect upon the human system, in connection with the several divisions of the subjects of physiology and hygiene, shall be included in the branches of study taught in the common or public schools of the state of North Carolina and shall be studied and taught as thoroughly and in the same manner as other like required branches are in said

Proviso.  
Proviso.

State superintendent may order reports from teachers at discretion.

Regulations governing admission to school.

Fiscal year.

What state or county officers forbidden to furnish goods, etc., to certain institutions or schools.

Officers, agents, etc., of said institution or school not to act as agent.

Nor receive gift for their influence, etc.

Penalty.

Nature of alcoholic drinks and their effect upon the human system to be taught.

schools by the use of text-books, in the hands of the pupils, and orally in case of pupils unable to read, and shall be taught by all teachers and studied by all pupils, in all schools in this state, supported wholly, or in part, by public money. The text-books used for the instruction to be given in the preceding section for primary and intermediate grades shall give at least one-fourth of their space to the consideration of the nature and effect of alcoholic drinks and narcotics, and the text-books used in the higher grades of the public schools shall give at least twenty pages to the consideration of this subject. No certificate to teach in the public schools of this state shall hereafter be granted to any applicant who has not passed a satisfactory examination in the study of the nature of alcoholic drinks and narcotics, and of their effect upon the human system, in connection with the several divisions of the subject of relative physiology and hygiene. It shall be the duty of the proper officers in control of any school described in the first section of this act, to enforce the provisions of this act, and any such officer, school director, committee, superintendent, or teacher who shall refuse or neglect to comply with the requirements of this act, or shall neglect or fail to make proper provisions for the instruction required and in the manner specified by this act for all pupils in each and every school under his control and supervision shall be removed from office, and the vacancy filed as in other cases.

Text books for primary and intermediate grades, what to contain.  
Higher grades

Teachers must have passed examination as to knowledge of alcohol, etc.

Duty of school officers in this respect.

Penalty.

State board of examiners, of whom to consist.

Course of study to be prescribed for teachers by said examiners.

Examiners may grant first-grade life certificates.

Examination papers to be furnished county superintendents.

SEC. 75. The state board of education shall elect 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. The state board of school examiners shall prepare and recommend to the public school teachers of the state, through the several county superintendents of schools, a course of reading and professional study for teachers, and such outline 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. 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 superintendents of schools, 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 superintendents of schools 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 superintendent of schools the sum of five dollars, which shall be reported to the county board of school directors and be 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 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. 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 travelling expenses and board while attending upon their official duties, an itemized statement of which shall be kept in the books of the state superintendent of public instruction. Said board shall prepare a course of study for the colored normal schools of the state. One member of said board of examiners shall visit each of said schools annually, inspect the work and report in writing to the board.

State board of examiners to grade papers of applicants for first grade life certificates.

Proviso.

Proviso.

Meetings of state board of examiners; compensation.

Course of study, etc., for colored normal schools.

SEC. 76. In every incorporated city or town of not less than one thousand inhabitants in which there is not now levied a special tax for schools, upon a petition signed by one-third of the freeholders therein, the board of aldermen or town commissioners of said city or town, shall, at the date of the municipal or general election next ensuing the presentation of said petition, order an election to be held to ascertain the will of the people whether there shall [be] levied in such city or town a special annual tax of not more than thirty cents on the one hundred dollars valuation of property and ninety cents on the poll to supplement the public school fund in such city or town. Said election shall be held in the different election precincts or wards under the law governing municipal or general elections in said cities or towns. At said election those who are in favor of the levy and collection of said tax shall vote a ticket on which shall be printed or written the words "For special tax," and those who are opposed shall vote a ticket on which shall be printed or written the words "Against special tax." In case a majority of the qualified voters at said

Special annual tax may be levied in cities or towns of not less than one thousand inhabitants.

Provisions regarding election as to such tax.

Proviso.

election is in favor of said tax the same shall be annually levied and collected in such city or town in the manner prescribed for the levy and collection of other city taxes: *Provided*, that all moneys levied under the provisions of this section shall, upon collection, be placed to the credit of the town school committee composed of not less than five nor more than seven members appointed by the board of aldermen for said city or town, and shall be, by said committee, expended exclusively upon the public schools in said city or town: *Provided further*, that there shall be but one school district in the said city or town in which there may be established one or more schools for each race, and the school committee shall apportion the money among said schools in such manner as in their judgment will equalize school facilities.

Proviso.

Special annual tax may be levied in townships for schools therein.

SEC. 77. In every township in which there is not now levied a special tax for schools upon a petition signed by one-third of the freeholders therein, the board of county commissioners shall order an election at such time as they may deem expedient within not less than thirty days nor more than ninety days from the presentation of the petition, to be held to ascertain the will of the people whether there shall be levied in such township a special annual tax of not more than thirty cents on one hundred dollars valuation of property and ninety cents on the poll to supplement the public schools of such township. Said election shall be held in the various election precincts therein as prescribed in the law for general elections. At said election those who are in favor of the levy and collection of said tax shall vote a ticket on which shall be printed or written the words "For special tax," and those who are opposed shall vote a ticket on which shall be printed or written the words "Against special tax." In case a majority of the qualified voters at said election is in favor of said tax, the same shall be annually levied and collected in the manner prescribed for the levy and collection of other taxes: *Provided*, that all moneys levied under the provisions of this act shall, upon collection, be placed to the credit of the township school trustees in said township, and said trustees shall apportion the money so raised among the schools in said township in such manner as in their judgment shall equalize school facilities: *Provided further*, that the people in any township in which is situated a city or town of more than one thousand inhabitants shall be given the same privilege accorded in this section to the people of other townships, and may proceed without regard to the action of the people in said cities or towns: *Provided further*, that no election under this section shall be held oftener than once in two years, and no election under this section shall be held within ninety days immediately preceding a general state election.

Election.

Proviso.

Proviso.

Proviso.

SEC. 78. The provisions of this act shall not apply to any township, city or town now levying a special tax for schools and operating under special laws or charters, or to schools operating under section forty-seven, chapter one hundred and ninety-nine, laws of eighteen hundred and eighty-nine; school districts in any city or town now operating under section forty-seven, chapter one hundred and ninety-nine, laws of eighteen hundred and eighty-nine, are hereby continued, and all vacancies in the school committee therein shall be filled by the county board of school directors, and if said district comprises a township, there shall not be appointed township school trustees for said township, and all apportionment shall be made directly to the committee of said districts.

Limitations of this act.

Vacancies occurring, how filled.

SEC. 79. Section forty-seven, chapter one hundred and ninety-nine, laws of eighteen hundred and eighty-nine, is hereby amended by striking out the words "by and with the consent of the county board of education."

Section 47, chapter 199, laws of 1889, amended.

SEC. 80. That the county board of school directors in the several counties shall adopt a series of text-books, which shall be used in the public schools of their respective counties for a term of three years: the said adoption herein provided for shall occur at the meeting of said board of school directors on the first Monday in June, nineteen hundred and one, and every three years thereafter, and at no other time: *Provided*, that no sectarian or political books shall be used in the public schools; *And provided further*, that the text-books now prescribed and in use in said schools shall not be changed, nor the price of the same raised, prior to said date, and that the list of such books, and the price for the same as now recorded upon the minutes of the county board of education, and any list of books hereafter adopted under the provisions of this law, and the prices of the same, shall be recorded upon said minutes for the inspection of the public: *Provided*, that county board of school directors shall cause the names and prices of all public school books to be printed on cardboard and kept posted in each and every public school house.

Adoption of text-books.

Proviso.

Books prohibited.

Proviso.

Books adopted.

Price of books.

Proviso.

List of books to be printed.

SEC. 81. That all laws and clauses of laws in conflict with the provisions of this act shall be and the same are hereby repealed.

Conflicting laws repealed.

SEC. 82. That this act shall be in force from and after its ratification.

Ratified the 7th day of March, A. D. 1899.

## CHAPTER 733.

## An act relating to negotiable instrument law and making the same uniform.

*The General Assembly of North Carolina do enact :*

SECTION 1. Be it enacted, etc., an instrument to be negotiable must conform to the following requirements:

- |   |   |
|---|---|
| How signed.                             | 1. It must be in writing and signed by the maker or drawer.   |
| Unconditional promise.                  | 2. Must contain an unconditional promise or order to pay a sum certain in money.  |
| When payable.                           | 3. Must be payable on demand or at a fixed or determinable future time.   |
| To whom payable.                        | 4. Must be payable to the order of a specified person or to bearer; and   |
| Drawee to be named.                     | 5. Where the instrument is addressed to a drawee, he must be named, or otherwise indicated therein with reasonable certainty.               |
| Sums payable.                           | SEC. 2. The sum payable is a sum certain with [within] the meaning of this act, although it is to be paid:                                  |
| Interest.                               | 1. With interest; or  |
| Installments.                           | 2. By stated installments; or   |
| Installments with provisions.           | 3. By stated installments with a provision that upon default in payment of any installment, the whole shall become due; or                  |
| With exchange.                          | 4. With exchange, whether at a fixed rate or at the current rate; or  |
| Costs of collection.                    | 5. With costs of collection, or an attorney's fee, in case payment shall not be made at maturity.   |
| Unqualified orders.                     | SEC. 3. An unqualified order or promise to pay is unconditional within the meaning of this act, though coupled with:                        |
| Particular funds.                       | 1. An indication of a particular fund out of which reimbursement is to be made, or a particular account to be debited with the amount; or   |
| Statement of transaction.               | 2. A statement of the transaction which gives rise to the instrument  |
|   | But an order or promise to pay out of a particular fund is not unconditional.   |
| When payable.                           | SEC. 4. An instrument is payable at a determinable future time, within the meaning of this act, which is expressed to be payable:           |
| Fixed period after date.                | 1. At a fixed period after date or sight; or  |
|   | 2. On or before a fixed or determinable future time specified therein; or   |
| Fixed period after occurrence of event. | 3. On or at a fixed period after the occurrence of a specified event which is certain to happen, though the time of happening be uncertain. |

An instrument payable upon a contingency is not negotiable, and the happening of the event does not cure the defect.	Instrument payable upon contingencies.
SEC. 5. An instrument which contains an order or promise to do any act in addition to the payment of money is not negotiable. But the negotiable character of an instrument otherwise negotiable is not affected by a provision which:	Instruments not negotiable
1. Authorizes the sale of collateral securities in case the instrument be not paid at maturity; or	Collateral securities.
2. Authorizes a confession of judgment if the instrument be not paid at maturity; or	Confession of judgment.
3. Waives the benefit of any law intended for the advantage or protection of obligator; or	Waiver of benefit.
4. Gives the holder an election to require something to be done in lieu of payment of money.	Liens for payment.
But nothing in this section shall validate any provision or stipulation otherwise illegal.	Illegal provisions not validated.
SEC. 6. The validity and negotiable character of an instrument are not affected by the fact that:	When validity is not affected.
1. It is not dated; or	When not dated.
2. Does not specify the value given, or that any value has been given therefor; or	Specification of value.
3. Does not specify the place where it is drawn or the place where it is payable; or	Place where drawn.
4. Bears a seal; or	Seal.
5. Designates a particular kind of current money in which payment is to be made.	Designation of currency.
But nothing in this section shall alter or repeal any statute requiring in certain cases the nature of the consideration to be stated in the instrument.	
SEC. 7. An instrument is payable on demand:	Instruments payable on demand.
1. When it is expressed to be payable on demand, or at sight or on presentation; or	When expressed.
2. In which no time for payment is expressed.	When time is not expressed.
Where an instrument is issued, accepted or indorsed when overdue, it is, as regards the person so issuing, accepting or indorsing it, payable on demand.	
SEC. 8. The instrument is payable to order where it is drawn payable to the order of a specified person, or to him or his order. It may be drawn payable to the order of:	When payable. To whom payable.
1. A payee who is not maker, drawer or drawee; or	Payee.
2. The drawer or maker; or	Drawer or maker.
3. The drawee; or	Drawee.
4. Two or more payees jointly; or	Joint payees.
5. One or some of several payees, or	Several payees.
6. The holder of an office for the time being.	Holder of office.

Payee must be named with reasonable certainty.  
When payable to bearer.  
When expressed To person named.  
To order of non-existing persons.

Where the instrument is payable to order, the payee must be named or otherwise indicated therein with reasonable certainty.

SEC. 9. The instrument is payable to bearer:

1. When it is expressed to be so payable; or
2. When it is payable to a person named therein or bearer; or
3. When it is payable to the order of a fictitious or non-existing person, and such fact was known to the person making it so payable; or
4. When the name of the payee does not purport to be the name of any person; or
5. When the only or last indorsement is an indorsement in blank.

When name of payee does not purport to be name of any person.  
Indorsement in blank.  
Instrument need not follow language of this act.

SEC. 10. The negotiable instrument need not follow the language of this act, but any terms are sufficient which clearly indicate an intention to conform to the requirements hereof.

Date of instrument.

SEC. 11. Where the instrument or an acceptance or any indorsement thereon is dated, such date is deemed prima facie to be the true date of the making, drawing, acceptance or indorsement, as the case may be.

Instrument not invalidated because ante-dated.

SEC. 12. The instrument is not invalid for the reason only that it is ante-dated or post-dated, provided that this is not done for an illegal or fraudulent purpose. The person to whom an instrument so dated is delivered, acquires the title thereto as of the date of delivery.

Instruments undated, how dated

SEC. 13. When an instrument expressed to be payable at a fixed period after date is issued undated, or where the acceptance of an instrument payable at a fixed period after sight is undated, any holder may insert therein the true date of issue or acceptance, and the instrument shall be payable accordingly. The insertion of a wrong date does not avoid the instrument in the hands of a subsequent holder in due course; but as to him the date so inserted is to be regarded as the true date.

Instruments lacking in material particulars, may be remedied.

SEC. 14. Where the instrument is wanting in any material particular, the person in possession thereof has a prima facie authority to complete it by filling up the blanks therein. And a signature on a blank paper delivered by the person making the signature in order that the paper may be converted into a negotiable instrument operates as a prima facie authority to fill it up as such for any amount. In order, however, that any such instrument when completed may be enforced against any person who became a party thereto prior to its completion it must be filled up strictly in accordance with the authority given and within a reasonable time. But if any such instrument after completion is negotiable to a holder in due course, it is valid and effectual for all purposes in his hands, and he may enforce it as

Instruments must be filled up within reasonable time.

if it had been filled up strictly in accordance with the authority given and within a reasonable time.

SEC. 15. Where an incomplete instrument has not been delivered it will not if completed and negotiated without authority be a valid contract in the hands of any holder as against any person whose signature was placed thereon before delivery.

Incomplete instruments undelivered not valid contract.

SEC. 16 Every contract on a negotiable instrument is incomplete and revocable until delivery of the instrument for the purpose of giving effect thereto. As between immediate parties and as regards a remote party other than a holder in due course, the delivery in order to be effectual must be made either by or under the authority of the party making, drawing or indorsing, as the case may be; and in such case the delivery may be shown to have been conditional or for a special purpose only, and not for the purpose of transferring the property in the instrument. But where the instrument is in the hands of a holder in due course a valid delivery thereof by all parties prior to him so as to make them liable to him is conclusively presumed. And where the instrument is no longer in possession of a party whose signature appears thereon, a valid and intentional delivery by him is presumed until the contrary is proved.

Instruments incomplete until delivered.

When delivery is conditional.

SEC. 17. Where the language of the instrument is ambiguous or there are omissions therein the following rules of construction apply:

When language of instrument is ambiguous.

1. Where the sum payable is expressed in words and also in figures and there is a discrepancy between the two, the sum denoted by the words is the sum payable; but if the words are ambiguous or uncertain, references may be had to the figures to fix the amount.

When discrepancy exists between figures and letters.

2. Where the instrument provides for the payment of interest without specifying the date from which interest is to run, the interest runs from the date of the instrument, and if the instrument is undated from the issue thereof.

When interest is provided for without specifying date.

3. Where the instrument is not dated it will be considered to be dated as of the time it was issued.

When instrument is not dated.

4. Where there is conflict between the written and printed provisions of the instrument the written provisions prevail.

Conflict in dates.

5. Where the instrument is so ambiguous that there is doubt whether it is a bill or a note the holder may treat it as either at his election.

Doubt as to whether instrument is bill or note.

6. Where a signature is so placed upon the instrument that it is not clear in what capacity the person making the same intended to sign, he is to be deemed an indorser.

When signature is doubtful.

7. Where an instrument containing the words, "I promise to pay" is signed by two or more persons, they are deemed to be jointly and severally liable thereon.

When instrument signed by two or more persons.

Liability on instrument

SEC. 18. No person is liable on the instrument whose signature does not appear thereon, except as herein otherwise expressly provided. But one who signs in a trade or assumed name will be liable to the same extent as if he had signed in his own name.

Signature may be made by agent

SEC. 19. The signature of any party made [may] be made by a duly authorized agent. No particular form of appointment is necessary for this purpose, and the authority of the agent may be established as in other cases of agency.

When additions are made to instrument, liability of agent.

SEC. 20. Where the instrument contains or a person adds to his signature words indicating that he signs for or on behalf of the principal or in a representative capacity, he is not liable on the instrument if he was duly authorized; but the mere addition of words describing him as an agent or as filling a representative character, without disclosing his principal, does not exempt him from personal liability.

Signatures by "procuration."

SEC. 21. A signature by "procuration" operates as notice that the agent has but a limited authority to sign, and the principal is bound only in case the agent so signing acted within the actual limits of his authority.

Assignment of instrument.

SEC. 22. The indorsement or assignment of the instrument by a corporation or by an infant passes the property therein, notwithstanding that from want of capacity the corporation or infant may incur no liability thereon.

When signature is forged.

SEC. 23. When a signature is forged or made without the authority of the person whose signature it purports to be, it is wholly inoperative and no right to retain the instrument or to give a discharge therefor or to enforce payment thereof against any party thereto can be acquired through or under such signature, unless the party against whom it is sought to enforce such right is precluded from setting up the forgery or want of authority.

## ARTICLE II.

Instruments deemed to be issued for valuable consideration.

SEC. 24. Every negotiable instrument is deemed prima facie to have been issued for a valuable consideration, and every person whose signature appears thereon to have become a party thereto for value.

Consideration or value.

SEC. 25. Value is any consideration sufficient to support a simple contract. An antecedent or pre-existing debt constitutes value and is deemed such whether the instrument is payable on demand or at a future time.

When value is given for instrument, holder a holder for value.

SEC. 26. Where value has at any time been given for the instrument the holder is deemed a holder for value in respect to all parties who became such prior to that time.

When holder has lien on instrument.

SEC. 27. Where the holder has a lien on the instrument arising either from contract or by implication of law he is deemed a holder for value to the extent of his lien.

SEC. 28. Absence or failure of consideration is matter of defense as against any person not a holder in due course, and partial failure of consideration is a defense pro tanto, whether the failure is an ascertained and liquidated amount or otherwise.

Failure of consideration in matters of defense.

SEC. 29. An accommodation party is one who has signed the instrument as maker drawer, acceptor or indorser without receiving value therefor, and for the purpose of lending his name to some other person. Such a person is liable on the instrument to a holder for value, notwithstanding such holder at the time of taking the instrument knew him to be only an accommodation party.

Accommodation parties.

#### ARTICLE III.—NEGOTIATION.

SEC. 30. An instrument is negotiated when it is transferred from one person to another in such manner as to constitute the transferee the holder thereof, if payable to bearer it is negotiated by delivery; if payable to order it is negotiated by the indorsement of the holder, completed by delivery.

When transferred instruments are negotiable

SEC. 31. The indorsement must be written on the instrument itself or upon a paper attached thereto. The signature of the indorser, without additional words, is a sufficient indorsement.

Indorsement must be written on instrument.

SEC. 32. An indorsement must be an indorsement of the entire instrument. An indorsement which purports to transfer to the indorsee a part only of the amount payable or which purports to transfer the instrument to two or more indorsees severally, does not operate as a negotiation of the instrument. But where the instrument has been paid in part it may be indorsed as to the residue.

Indorsement an indorsement of entire instrument.

SEC. 33. An indorsement may be either in blank or special, and it may also be either restrictive or qualified or conditional.

Indorsement either in blank or special.

SEC. 34. A special indorsement specifies the person to whom or to whose order the instrument is to be payable; and the indorsement of such indorsee is necessary to the further negotiation of the instrument. An indorsement in blank specifies no indorsee, and an instrument so indorsed is payable to bearer and may be negotiated by delivery.

Special indorsement.

SEC. 35. The holder may convert a blank indorsement into a special indorsement by writing over the signature of the indorser in blank any contract consistent with the character of the indorsement.

Holder may convert blank indorsement into special indorsement.

[SEC.] 36. An indorsement is restrictive, which either:

Restrictive indorsements.

1. Prohibits the further negotiation of the instrument; or
2. Constitutes the indorsee the agent of the indorser; or
3. Vests the title in the indorsee in trust for or to the use of some other person. But the mere absence of words implying power to negotiate does not make an indorsement restrictive.

- Rights conferred by restrictive indorsements.** SEC. 37. A restrictive indorsement confers upon the indorsee the right:
1. To receive payment of the instrument.
  2. To bring any action thereon that the indorser could bring.
  3. To transfer his rights as such indorsee, where the form of the indorsement authorizes him to do so
- Title of subsequent indorsees.** But all subsequent indorsees acquire only the title of the first indorsee under the restrictive indorsement.
- Qualified indorsements.** SEC. 38. A qualified indorsement constitutes the indorser a mere assignor of the title to the instrument. It may be made by adding to the indorser's signature the words, "without recourse" or any words of similar import. Such an indorsement does not impair the negotiable character of the instrument.
- When indorsement is conditional.** SEC. 39. Where an indorsement is conditional, a party required to pay the instrument may disregard the condition and make payment to the indorsee or his transferee, whether the condition has been fulfilled or not. But any person to whom an instrument so indorsed is negotiated will hold the same or the proceeds thereof subject to the rights of the person indorsing conditionally.
- Instruments payable to bearer indorsed specially.** SEC. 40. Where an instrument payable to bearer is indorsed specially, it may nevertheless be further negotiated by delivery; but the person indorsing specially is liable as indorser to only such holders as make title through his indorsement.
- When instrument payable to two or more payees.** SEC. 41. Where an instrument is payable to the order of two or more payees or indorsees who are not partners, all must indorse unless the one indorsing has authority to indorse for the others.
- When instruments indorsed to fiscal officers.** SEC. 42. Where an instrument is drawn or indorsed to a person as "cashier" or other fiscal officer of a bank or corporation it is deemed prima facie to be payable to the bank or corporation of which he is such officer, and may be negotiated by either the indorsement of the bank or corporation or the indorsement of the officer.
- When name of payee is wrongly designated.** SEC. 43. Where the names of a payee or indorsee is wrongly designated or misspelled he may endorse the instrument as there described, adding if he think fit his proper signature.
- Persons obligated to indorse in representative capacity.** SEC. 44. Where any person is under obligation to indorse in a representative capacity he may indorse in such terms as to negative personal liability.
- When instrument is deemed to have been effected.** SEC. 45. Except where an indorsement bears date after the maturity of the instrument, every negotiation is deemed prima facie to have been effected before the instrument was over due.
- Place of indorsement.** SEC. 46. Except where the contrary appears, every indorsement is presumed prima facie to have been made at the place where the instrument is dated.

SEC. 47. An instrument negotiable in its origin continues to be negotiable until it has been restrictively indorsed or discharged by payment or otherwise.

Instruments negotiable in origin continue until restrictively indorsed.

SEC. 48. The holder may [at] any time strike out any indorsement which is not necessary to his title. The indorser whose indorsement is struck out and all indorsers subsequent to him are thereby relieved from liability on the instrument.

Indorsements may be stricken out.

SEC. 49. Where the holder of an instrument payable to his order transfers it for value without indorsing it, the transfer vests in the transferee such title as the transferer had therein, and the transferee acquires in addition the right to have the indorsement of the transferer. But for the purpose of determining whether the transferee is a holder in due course, the negotiation takes effect as of the time when the indorsement is actually made.

When holder transfers instrument without indorsement.

SEC. 50. Where an instrument is negotiated back to a prior party, such party may, subject to the provisions of this act, re-issue and further negotiate the same. But he is not entitled to enforce payment thereof against [any] intervening party to whom he was personally liable.

Instruments negotiable back to prior party.

#### ARTICLE IV.—RIGHTS OF THE HOLDER.

SEC. 51. The holder of a negotiable instrument may sue thereon in his own name and payment to him in due course discharges the instrument.

Holder of instruments may sue in his own name.

SEC. 52. A holder in due course is a holder who has taken the instrument under the following conditions:

Conditions under which instrument taken. Holder in due course.

1. That the instrument is complete and regular upon its face.
2. That he became the holder of it before it was overdue and without notice that it had been previously dishonored if such was the fact.
3. That he took it for good faith and value.
4. That at the time it was negotiated to him he had no notice of any infirmity in the instrument or defect in the title of the person negotiating it.

SEC. 53. Where an instrument payable on demand is negotiated an unreasonable length of time after its issue, the holder is not deemed a holder in due course.

When holder is not holder in due courses.

SEC. 54. Where the transferee received notice of any infirmity in the instrument or defect in the title of the person negotiating the same before he has paid the full amount agreed to be paid therefor, he will be deemed a holder in due course only to the extent of the amount theretofore paid by him.

Notice of infirmity in instrument.

SEC. 55. The title of a person who negotiates an instrument is defective within the meaning of this act when he obtained the instrument, or any signature thereto, by fraud, duress or force

When title is defective.

and fear or other unlawful means, or for an illegal consideration, or when he negotiates it in breach of faith or under such circumstances as amount to a fraud.

Notice of infirmity, how constituted.

SEC. 56. To constitute notice of an infirmity in the instrument or defect in the title of the person negotiating the same the person to whom it is negotiated must have had actual knowledge of the infirmity or defect or knowledge of such facts that his action in taking the instrument amounted to bad faith.

Holder in due course holds instrument free from any defect.

SEC. 57. A holder in due course holds the instrument free from any defect of title of prior parties, and free from defenses available to prior parties among themselves, and may enforce payment of the instrument for the full amount thereof against all parties liable thereon.

Defenses to which negotiable instrument is subject.

SEC. 58. In the hands of any holder other than a holder in due course a negotiable instrument is subject to the same defenses as if it were non-negotiable. But a holder who derives his title through a holder in due course and who is not himself a party to any fraud or illegality affecting the instrument has all the rights of such former holder in respect of all parties prior to the latter.

Burden of proof when title is defective.

SEC. 59. Every holder is deemed prima facie to be a holder in due course; but when it is shown that the title of any person who has negotiated the instrument was defective the burden is on the holder to prove that he or some person under whom he claims acquired the title as a holder in due course. But the last-mentioned rule does not apply in favor of a party who became bound on the instrument prior to the acquisition of such defective title.

#### ARTICLE V.—LIABILITIES OF PARTIES.

Liability of maker.

SEC. 60. The maker of a negotiable instrument by making it engages that he will pay it according to its tenor, and admits the existence of the payee and his then capacity to indorse.

Admission by drawer of existence of payee.

SEC. 61. The drawer by drawing the instrument admits the existence of the payee and his then capacity to indorse, and engages that on due presentment the instrument will be accepted or paid, or both, according to its tenor, and that if it be dishonored and the necessary proceedings on dishonor be duly taken, he will pay the amount thereof to the holder or to any subsequent indorser who may be compelled to pay it. But the drawer may insert in the instrument an express stipulation negating or limiting his own liability to the holder.

Liability of acceptor.

SEC. 62. The acceptor by accepting the instrument engages that he will pay it according to the tenor of his acceptance; and admits:

Genuineness of signature, etc.

1. That existence of the drawer, the genuineness of his signature and his capacity and authority to draw the instrument; and

Existence of payee.

2. The existence of the payee and his then capacity to indorse.

SEC. 63. A person placing his signature upon an instrument otherwise than as maker, drawer or acceptor is deemed to be an indorser, unless he clearly indicates by appropriate words his intention to be bound in some other capacity.

Persons deemed indorsers.

SEC. 64. Where a person not otherwise a party to a instrument places thereon his signature in blank before delivery he is liable as indorser in accordance with the following rules:

Persons liable as indorser.

1. If the instrument is payable to the order of a third person he is liable to the payee and to all subsequent parties.

When instrument payable to order of third person. Liability to parties subsequent to maker or drawer.

2. If the instrument is payable to the order of the maker or drawer, or is payable to bearer, he is liable to all parties subsequent to the maker or drawer.

3. If he signs for the accommodation of the payee he is liable to all parties subsequent to the payee.

SEC. 65. Every person negotiating an instrument by delivery or by a qualified indorsement warrants:

Warrant by person negotiating instrument. Genuineness of instrument.

1. That the instrument is genuine and in all respects what it purports to be.

Title.

2. That he has a good title to it.

Capacity to contract.

3. That all prior parties had capacity to contract.

No knowledge of facts impairing validity of instrument.

4. That he has no knowledge of any fact which would impair the validity of the instrument or render it valueless.

But when the negotiation is by delivery only the warranty extends in favor of no holder other than the immediate transferee. The provisions of subdivision three of this section do not apply to persons negotiating public or corporate securities other than bills and notes.

SEC. 66. Every indorser who indorses without qualification warrants to all subsequent holders in due course:

Warrant of indorser without qualification. Matter and things mentioned.

1. The matters and things mentioned in subdivisions one, two and three of the next preceding section; and

Validity of instrument.

2. That the instrument is at the time of his indorsement valid and subsisting. And in addition he engages that on due presentment it shall be accepted or paid, or both, as the case may be, according to its tenor, and that if it be dishonored and the necessary proceedings on dishonor be duly taken he will pay the amount thereof to the holder or to any subsequent indorser who may be compelled to pay it.

SEC. 67. Where a person places his indorsement on an instrument negotiable by delivery he incurs all the liabilities of an indorser.

Indorsement on instrument.

SEC. 68. As respects one another, indorsers are liable prima facie in the order in which they indorse: but evidence is admissible to show that as between or among themselves they have agreed otherwise. Joint payees or joint indorsees who indorse are deemed to indorse jointly and severally.

Indorsers liable in order in which they indorse.

Negotiation of instrument by broker or agent without indorsement; liability.

SEC. 69. Where a broker or other agent negotiates an instrument without indorsement he incurs all the liabilities prescribed by section sixty-five of this act, unless he discloses the name of his principal and the fact that he is acting only as agent.

ARTICLE VI.—PRESENTMENT FOR PAYMENT.

Presentment for payment not necessary.

SEC. 70. Presentment for payment is not necessary in order to charge the person primarily on the instrument; but if the instrument is by its terms payable at a special place, and he is able and willing to pay it there at maturity, such ability and willingness are equivalent to a tender of payment upon his part. But except as herein otherwise provided presentment for payment is necessary in order to charge the drawer and indorsers.

When instrument is not payable on demand, how presentment is made.

SEC. 71. Where the instrument is not payable on demand, presentment must be made on the day it falls due. Where it is payable on demand, presentment must be made within a reasonable time after its issue, except that in the case of a bill of exchange presentment for payment will be sufficient if made within a reasonable time after the last negotiation thereof.

Presentment for payment when sufficient.

SEC. 72. Presentment for payment to be sufficient must be made:

1. By the holder or by some person authorized to receive payment on his behalf.
2. At a reasonable hour on a business day.
3. At a proper place as herein defined.
4. To the person primarily liable on the instrument, or if he is absent or inaccessible to any person found at the place where the presentment is made.

Place of presentment for payment.

SEC. 73. Presentment for payment is made at the proper place:

1. Where a place of payment is specified in the instrument and it is there presented.
2. Where no place of payment is specified but the address of the person to make the payment is given in the instrument and it is there presented.
3. Where no place of payment is specified and no address is given and the instrument is presented at the usual place of business or residence of the person to make payment.
4. In any other case if presented to the person to make payment wherever he can be found, or if presented at his last-known place of business or residence.

Exhibition of instrument to person from whom payment is demanded.

SEC. 74. The instrument must be exhibited to the person from whom payment is demanded, and when it is paid must be delivered up to the party paying it

SEC. 75. Where the instrument is payable at a bank presentment for payment must be made during banking hours, unless the person to make payment has no funds there to meet it at any

time during the day, in which case presentment at any hour before the bank is closed on that day is sufficient.

SEC. 76. Where the person primarily liable on the statement is dead, and no place of payment is specified, presentment for payment must be made to his personal representative, if such there be and if with the exercise of reasonable diligence he can be found.

When person primarily liable is dead; place of payment

SEC. 77. Where the persons primarily liable on the instrument are liable as partners and no place of payment is specified presentment for payment may be made to any one of them, even though there has been a dissolution of the firm.

Persons primarily liable as partners.

SEC. 78. Where there are several persons not parties primarily liable on the instrument and no place of payment is specified, presentment must be made to them all.

When several persons not partners, are liable, place of payment.

SEC. 79. Presentment for payment is not required in order to charge the drawer where he has no right to expect or require that the drawee or acceptor will pay the instrument.

When instrument is not payable.

SEC. 80. Presentment for payment is not required in order to charge an endorser where the instrument was made or accepted for his accommodation, and he has no reason to expect that the instrument will be paid if presented.

When indorser has no reason to expect presentment.

SEC. 81. Delay in making presentment for payment is excused when the delay is caused by circumstances beyond the control of the holder and not imputable to his default, misconduct or negligence. When the cause of delay ceases to operate presentment must be made with reasonable diligence.

When delay in making presentment is excused.

SEC. 82. Presentment for payment is dispensed with:

1. Where after the exercise of reasonable diligence presentment as required by this act can not be made.

When presentment for payment is dispensed with.

2. Where the drawee is a fictitious person.

3. By waiver or presentment, express or implied.

SEC. 83. The instrument is dishonored by non payment when:

1. It is duly presented for payment and payment is refused or can not be obtained; or

When instrument is dishonored by non-payment.

2. Payment is excused and the instrument is overdue and unpaid.

SEC. 84. Subject to the provisions of this act when the instrument is dishonored by non payment, an immediate right of recourse to all parties secondarily liable thereon accrues to the holder.

Recourse of holder.

SEC. 85. Every negotiable instrument is payable at the time fixed therein without grace. When the day of maturity falls upon Sunday or a holiday the instrument is payable on the next succeeding business day. Instruments falling due on Saturday are to be presented for payment on the next succeeding business day, except that instruments payable on demand may at the

Negotiable instruments, when payable.

option of the holder be presented for payment before twelve o'clock noon on Saturday when that entire day is not a holiday.

Dates excluded and included.

SEC. 86. Where the instrument is payable at a fixed period after date after sight, or after the happening of a specified event, the time of payment is determined by excluding the day from which the time is to begin to run and by including the date of payment.

When instrument is payable at a bank.

SEC. 87. Where the instrument is made payable at a bank it is equivalent to an order to the bank to pay the same for the account of the principal debtor thereon.

When payment is made on or after maturity of instrument.

SEC. 88. Payment is made in due course when it is made at or after the maturity of the instrument to the holder thereof in good faith and without notice that his title is defective.

#### ARTICLE VII.—NOTICE OF DISHONOR.

Notice of dishonor must be given drawer.

SEC. 89. Except as herein otherwise provided, when a negotiable instrument has been dishonored by non acceptance or non-payment, notice of dishonor must be given to the drawer and to each indorser and any drawer or indorser to whom such notice is not given is discharged.

Notice of dishonor, on behalf of whom given.

SEC. 90. The notice may be given by or on behalf of the holder or by or on behalf of any party to the instrument who might be compelled to pay it to the holder, and who upon taking it up would have a right to reimbursement from the party to whom notice is given.

Notice of dishonor, in whose name given.

SEC. 91. Notice of dishonor may be given by an agent either in his own name or in the name of any party entitled to give notice, whether that party be his principal or not.

To whose benefit notice inures.

SEC. 92. Where notice is given by or on behalf of the holder, it inures for the benefit of all subsequent holders and all prior parties who have a right of recourse against the party to whom it is given.

Notice inuring to benefit of holder.

SEC. 93. Where notice is given by or on behalf of a party entitled to give notice it inures for the benefit of the holder and all parties subsequent to the party to whom notice is given.

Agent may give notice to parties liable.

SEC. 94. Where the instrument has been dishonored in the hands of an agent he may either himself give notice to the parties liable thereon or he may give notice to his principal. If he give notice to his principal he must do so within the same time as if he were the holder, and the principal upon the receipt of such notice has himself the same time for giving notice as if the agent had been an independent holder.

Notices, how signed.

SEC. 95. A written notice need not be signed, and an insufficient written notice may be supplemented and validated by verbal communication. A misdescription of the instrument does not

vitate unless the party to whom the notice is given is in fact misled thereby.

SEC. 96. The notice may be in writing or merely oral and may be given in any terms which sufficiently identify the instrument and indicate that it has been dishonored by non acceptance or non payment. It may in all cases be given by delivering it personally or through the mails. Terms of notice.

SEC. 97. Notice of dishonor may be given either to the party himself or to his agent in that behalf. Notice, to whom given.

SEC. 98. When any party is dead and his death is known to the party giving notice, the notice must be given to a personal representative if there be one, and if with reasonable diligence he can be found. If there is no personal representative, notice may be sent to the last residence or last place of business of the deceased. Notice to personal representatives of deceased.

SEC. 99. When the parties to be notified are partners, notice to any one partner is notice to the firm even though there has been a dissolution. When parties to be notified are partners.

SEC. 100. Notice to joint parties who are not partners must be given to each of them unless one of them has authority to receive such notice for the others. Notice to joint parties.

SEC. 101. Where a party has been adjudged a bankrupt or an insolvent or has made an assignment for the benefit of his creditors, notice may be given either to the party himself or to his trustee or assignee. When party is adjudged bankrupt.

SEC. 102. Notice may be given as soon as the instrument is dishonored, and unless delay is excused as hereinafter provided must be given within the times fixed by this act. When notice may be given.

SEC. 103. When the person giving and the person to receive notice reside in same place, notice must be given within the following times: When persons giving and receiving notice; time within which notice must be given.

1. If given at the place of business of the person to receive notice it must be given before the close of business hours on the day following.

2. If given at his residence it must be given before the usual hours of rest on the day following.

3. If sent by mail it must be deposited in the post-office in time to reach him in the usual course on the day following.

SEC. 104. Where the person giving and the person to receive notice reside in different places the notice must be given within the following times: When persons giving and receiving notice reside in different places; when notice to be given.

1. If sent by mail it must be deposited in the post-office in time to go by mail the day following the day of dishonor, or if there be no mail at a convenient hour on that day by the next mail thereafter.

2. If given otherwise than through the post office, then within the time that notice would have been received in due course of

mail if it had been deposited in the post-office within the time specified in the last subdivision.

When sender is deemed to have given due notice.

SEC. 105. Where notice of dishonor is duly addressed and deposited in the post office the sender is deemed to have given due notice, notwithstanding any miscarriage in the mails.

When notice is deemed deposited in post-office.

SEC. 106. Notice is deemed to have been deposited in the post-office when deposited in any branch post office or in any letter box under the control of the post-office department.

Time of notice to antecedent parties.

SEC. 107. Where a party receives notice of dishonor he has, after the receipt of such notice, the same time for giving notice to antecedent parties that the holder has after the dishonor.

Where notice of dishonor must be sent when address is or is not added.

SEC. 108. Where a party has added an address to his signature, notice of dishonor must be sent to that address; but if he is not given such address then the notice must be sent as follows:

1. Either to the post office nearest to his place of residence or to the post-office where he is accustomed to receive his letters; or

2. If he lives in one place and have his place of business in another, notice may be sent to either place; or

3. If he is sojourning in another place notice may be sent to the place where he is so sojourning.

But where the notice is actually received by the party within the time specified in this act it will be sufficient, though not sent in accordance with the requirements of this section.

Notice of dishonor may be waived.

SEC. 109. Notice of dishonor may be waived either before the time of giving notice has arrived or after the omission to give due notice, and the waiver may be express or implied.

Where waiver is embodied in instrument.

SEC. 110. Where the waiver is embodied in the instrument itself it is binding upon all parties, but where it is written above the signature of an indorser it binds him only.

Waivers of protest.

SEC. 111. A waiver of protest, whether in the case of a foreign bill of exchange or other negotiable instrument, is deemed to be a waiver not only of a formal protest but also of a presentment and notice of dishonor.

Dispensation of notices of dishonor.

SEC. 112. Notice of dishonor is dispensed with when, after the exercise of reasonable diligence, it can not be given to or does not reach the parties sought to be charged.

When delay in giving notice of dishonor is excused.

SEC. 113. Delay in giving notice of dishonor is excused when the delay is caused by circumstances beyond the control of the holder and not imputable to his default, misconduct or negligence. When the cause of delay ceases to operate notice must be given with reasonable diligence.

When notice of dishonor is not required to be given drawer.

SEC. 114. Notice of dishonor is not required to be given to the drawer in either of the following cases:

(1) Where the drawer and the drawee are the same person.

(2) Where the drawee is a fictitious person or a person not having capacity to contract.

(3) Where the drawer is the person to whom the instrument is presented for payment.

(4) Where the drawer has no right to expect or require that the drawee or acceptor will honor the instrument.

(5) Where the drawer has countermanded payment.

SEC. 115. Notice of dishonor is not required to be given to an indorser in either of the following cases:

When notice of dishonor is not required to be given indorser.

(1) Where the drawee is a fictitious person or a person not having capacity to contract and the indorser was aware of the fact at the time he indorsed the instrument.

(2) Where the indorser is the person to whom the instrument is presented for payment.

(3) Where the instrument was made or accepted for his accommodation.

SEC. 116. Where due notice of dishonor by non-acceptance has been given, notice of a subsequent dishonor by non-payment is not necessary unless in the meantime the instrument has been accepted.

When notice of dishonor by non-payment is not necessary.

SEC. 117. An omission to give notice of dishonor by non-acceptance does not prejudice the rights of a holder in due course subsequent to the omission.

Omission to give notice of dishonor by non-acceptance.

SEC. 118. Where any negotiable instrument has been dishonored it may be protested for non-acceptance or non-payment as the case may be, but protest is not required except in the case of foreign bills of exchange.

Instruments dishonored, how protested.

#### ARTICLE VIII.—DISCHARGE OF NEGOTIABLE INSTRUMENTS.

SEC. 119. A negotiable instrument is discharged:

(1) By payment in due course by or on behalf of the principal debtor.

How negotiable instruments are discharged.

(2) By payment in due course by the party accommodated, where the instrument is made or accepted for accommodation.

(3) By the intentional cancellation thereof by the holder.

(4) By any other act which will discharge a simple contract for the payment of money.

(5) When the principal debtor becomes the holder of the instrument at or after maturity in his own right.

SEC. 120. A person secondarily liable on the instrument is discharged:

Persons secondarily liable, how discharged.

(1) By any act which discharges the instrument.

(2) By the intentional cancellation of his signature by the holder.

(3) By the discharge of a prior party.

(4) By a valid tender of payment made by a prior party.

(5) By a release of the principal debtor, unless the holder's

right of recourse against the party secondarily liable is expressly reserved.

(6) By any agreement binding upon the holder to extend the time of payment or to postpone the holder's right to enforce the instrument, unless made with the assent of the party secondarily liable or unless the right of recourse against such party is expressly reserved.

Instruments paid by party secondarily liable may be again negotiated.

SEC. 121. When the instrument is paid by a party secondarily liable thereon it is not discharged; but the party so paying it is remitted to his former rights as regards all prior parties, and he may strike out his own and all subsequent indorsements, and again negotiate the instrument, except:

(1) Where it is payable to the order of the third person and has been paid by the drawer; and

(2) Where it was made or accepted for accommodation and has been paid by the party accommodated.

Holder may renounce rights against parties to instrument.

SEC. 122. The holder may expressly renounce his rights against any party to the instrument before, at or after its maturity. An absolute and unconditional renunciation of his rights against the principal debtor made at or after the maturity of the instrument discharges the instrument. But a renunciation does not affect the rights of a holder in due course without notice. A renunciation must be in writing, unless the instrument is delivered up to the person primarily liable thereon.

Unintentional cancellations or mistakes, inoperative.

SEC. 123. A cancellation made unintentionally or under a mistake or without the authority of the holder is inoperative, but where an instrument or any signature thereon appears to have been cancelled the burden of proof lies on the party who alleges that the cancellation was made unintentionally or under a mistake or without authority.

When instruments are altered without consent of all parties.

SEC. 124. Where a negotiable instrument is materially altered without the assent of all parties liable thereon, it is avoided except as against a party who has himself made, authorized or assented to the alteration and subsequent indorsers.

But when an instrument has been materially altered and is in the hands of a holder in due course not a party to the alteration he may enforce payment thereof according to its original tenor.

Material alterations defined.

SEC. 125. Any alteration which changes:

(1) The date.

(2) The sum payable either for principal or interest.

(3) The time or place of payment.

(4) The number or the relations of the parties.

(5) The medium or currency in which payment is to be made.

Or which adds a place of payment where no place of payment is specified, or any other change or addition which alters the effect of the instrument in any respect, is a material alteration.

## TITLE II.—BILLS AND EXCHANGE.

## ARTICLE I.—FORM AND INTERPRETATION.

SEC. 126. A bill of exchange is an unconditional order in writing, addressed by one person to another, signed by the person giving it, requiring the person to whom it is addressed to pay on demand or at a fixed or determinable future time a sum certain in money to order or to bearer.

Bill of exchange construed.

SEC. 127. A bill of itself does not operate as an assignment of the funds in the hands of the drawee available for the payment thereof, and the drawee is not liable on the bill unless and until he accepts the same.

Operation of bill as an assignment.

SEC. 128. A bill may be addressed to two or more drawees jointly whether they are partners or not, but not to two or more drawees in the alternative or in succession.

Bill may be addressed to two or more drawees jointly.

SEC. 129. An inland bill of exchange is a bill which is or on its face purports to be both drawn and payable within this state. Any other bill is a foreign bill. Unless the contrary appears on the face of the bill the holder may treat it as an inland bill.

Inland bill of exchange construed.

SEC. 130. Where in a bill drawer and drawee are the same person, or where the drawee is a fictitious person or a person not having capacity to contract, the holder may treat the instrument at his option, either as a bill of exchange or a promissory note.

When holder may treat bill at option.

SEC. 131. The drawer of a bill and any endorser may insert thereon the name of a person to whom the holder may resort in case of need; that is to say, in case the bill is dishonored by non-acceptance or non-payment. Such person is called the referee in case of need. It is in the option of the holder to resort to the referee in case of need or not as he may see fit.

Name of person to whom holder may resort in case of need may be inserted.

## ARTICLE II.—ACCEPTANCE.

SEC. 132. The acceptance of a bill is the signification by the drawee of his assent to the order of the drawer. The acceptance must be in writing and signed by the drawer. It must not express that the drawee will perform his promise by any other means than the payment of money.

Acceptance of bill signification of assent by drawee to order of drawer.

SEC. 133. The holder of a bill presenting the same for acceptance may require that the acceptance be written on the bill, and if such request is refused may treat the bill as dishonored.

Holder may require written acceptance on bill.

SEC. 134. Where an acceptance is written on a paper other than the bill itself it does not bind the acceptor except in favor of a person to whom it is shown and who, on the faith thereof, receives the bill for value.

When acceptance does not bind acceptor.

SEC. 135. An unconditional promise in writing to accept a bill before it is drawn is deemed an actual acceptance in favor of

Unconditional promises in writing before bill is drawn.

every person who, upon the faith thereof, receives the bill for value.

Time allowed drawee to accept bill.

SEC. 136. The drawee is allowed twenty four hours after presentment in which to decide whether or not he will accept the bill, but the acceptance if given dates as of the day of presentation.

When drawee destroys bill.

SEC. 137. Where a drawee to whom a bill is delivered for acceptance destroys the same or refuses within twenty four hours after such delivery, or within such other period as the holder may allow, to return the bill accepted or non-accepted to the holder, he will be deemed to have accepted the same.

Bill may be accepted before signed by drawer.

SEC. 138. A bill may be accepted before it has been signed by the drawer or while otherwise incomplete, or when it is overdue, or after it has been dishonored by a previous refusal to accept, or by non-payment. But when a bill payable after sight is dishonored by non-acceptance and the drawee subsequently accepts it the holder in the absence of any different agreement is entitled to have the bill accepted as of the date of the first presentment.

General and qualified acceptances construed.

SEC. 139. An acceptance is either general or qualified. A general acceptance assents without qualification to the order of the drawer. A qualified acceptance in express terms varies the effect of the bill as drawn.

Acceptances to pay at particular place.

SEC. 140. An acceptance to pay at a particular place is a general acceptance unless it expressly states that the bill is to be paid there only and not elsewhere.

Qualified acceptances.

SEC. 141. An acceptance is qualified which is:

(1) Conditional; that is to say, which makes payment by the acceptor dependent on the fulfillment of a condition therein stated.

(2) Partial; that is to say, an acceptance to pay part only of the amount for which the bill is drawn.

(3) Local; that is to say, an acceptance to pay only at a particular place.

(4) Qualified as to time.

(5) The acceptance of some one or more of the drawees, but not of all.

Holder may refuse to take qualified acceptance.

SEC. 142. The holder may refuse to take a qualified acceptance, and if he does not obtain an unqualified acceptance he may treat the bill as dishonored by non-acceptance. When a qualified acceptance is taken the drawer and endorsers are discharged from liability on the bill unless they have expressly or impliedly authorized the holder to take a qualified acceptance or subsequently assent thereto. When the drawer or an endorser receives notice of a qualified acceptance he must within a reasonable time express his dissent to the holder or he will be deemed to have assented thereto.

## ARTICLE III.—PRESENTMENT FOR ACCEPTANCE.

SEC. 143. Presentment for acceptance must be made:

(1) Where the bill is payable after sight, or in any other case where presentment for acceptance is necessary in order to fix the maturity of the instrument; or

(2) Where the bill expressly stipulates that it shall be presented for acceptance; or

(3) Where the bill is drawn payable elsewhere than at the residence or place of business of the drawee.

In no other case is presentment for acceptance necessary in order to render any party to the bill liable.

SEC. 144. Except as herein otherwise provided the holder of a bill which is required by the next preceding section to be presented for acceptance must either present it for acceptance or negotiate it within a reasonable time. If he fail to do so the drawee and all indorsers are discharged.

SEC. 145. Presentment for acceptance must be made by or on behalf of the holder at a reasonable hour on a business day and before the bill is overdue to the drawer or some person authorized to accept or refuse acceptance on his behalf; and

(1) Where a bill is addressed to two or more drawees who are not partners, presentment must be made to them all unless one has authority to accept or refuse acceptance for all, in which case presentment made [may] be made to him only.

(2) Where the drawee is dead presentment may be made to his personal representative.

(3) Where the drawee has been adjudged a bankrupt or an insolvent or has made an assignment for the benefit of creditors presentment made [may] be made to him or to his trustee or assignee.

SEC. 146. A bill may be presented for acceptance on any day on which negotiable instruments may be presented for payment under the provisions of sections seventy-two and eighty-five of this act. When Saturday is not otherwise a holiday presentment for acceptance may be made before twelve o'clock noon on that day.

SEC. 147. Where the holder of a bill drawn payable elsewhere than at the place of business or the residence of the drawee has not time with the exercise of reasonable diligence to present the bill for acceptance before presenting it for payment on the day that it falls due, the delay caused by presenting the bill for acceptance before presenting it for payment is excused and does not discharge the drawers and indorsers.

SEC. 148. Presentment for acceptance is excused and a bill may be treated as dishonored by non-acceptance in either of the following cases:

When presentment for acceptance must be made.

Failure of holder to draw discharges drawee and indorsers.

Presentment must be made at a reasonable hour.

Days on which bills may be presented for acceptance.

When delay of presentment for acceptance is excused.

When presentment for acceptance is excused and when bill

may be treated as dishonored by non-acceptance.

1. Where the drawee is dead or has absconded or is a fictitious person or a person not having capacity to contract by bill.

2. Where after the exercise of reasonable diligence presentment can not be made.

3. Where although presentment has been irregular, acceptance has been refused on some ground.

When bill is dishonored by non-acceptance

SEC. 149. A bill is dishonored by non-acceptance:

1. When it is duly presented for acceptance and such an acceptance as is prescribed by this act is refused or can not be obtained; or

2. When a presentment for acceptance is executed and the bill is not accepted.

SEC. 150. Where a bill is duly presented for acceptance and is not accepted within the prescribed time, the person presenting it must treat the bill as dishonored by non-acceptance or he loses the right of recourse against the drawer and indorsers.

Bill shall be presented for acceptance within time prescribed. Right of recourse accruing to holder.

SEC. 151. When a bill is dishonored by non-acceptance an immediate right of recourse against the drawers and indorsers accrues to the holder and no presentment for payment is necessary.

#### ARTICLE IV.—PROTEST.

Foreign bills dishonored must be duly protested.

SEC. 152. Where a foreign bill appearing on its face to be such is dishonored by non acceptance, it must be duly protested for non acceptance, and where such a bill which had not previously been dishonored by non-acceptance is dishonored by non-payment it must be duly protested for non-payment. If it is not so protested the drawer and indorsers are discharged. Where a bill does not appear on its face to be a foreign bill protest in case of dishonor is unnecessary.

Protest must be annexed.

SEC. 153. The protest must be annexed to the bill or must contain a copy thereof and must be under the hand and seal of the notary making it, and must specify:

1. The time and place of presentment.

2. The fact that presentment was made and the manner thereof.

3. The cause or reason for protesting the bill.

4. The demand made and the answer given, if any, or the fact that the drawee or acceptor could not be found.

When and where presentment in 1st be made.

By whom protest may be made.

SEC. 154. Protest may be made by:

1. A notary public; or

2. By any respectable resident of the place where the bill is dishonored, in the presence of two or more credible witnesses.

SEC. 155. When a bill is protested, such protest must be made on the day of its dishonor, unless delay is excused as herein provided. When a bill has been duly noted the protest may be subsequently extended as of the date of the noting.

SEC. 156. A bill must be protested at the place where it is dishonored, except that when a bill drawn payable at the place of business or residence of some person other than the drawee has been dishonored by non-acceptance it must be protested for non-payment at the place where it is expressed to be payable, and no further presentment for payment to or demand on the drawee is necessary.

When bill must be protested.

SEC. 157. A bill which has been protested for non-acceptance may be subsequently protested for non-payment.

Bill may be protested for non-payment, when protested for non-acceptance. Where acceptor has been adjudged a bankrupt.

SEC. 158. Where the acceptor has been adjudged a bankrupt or an insolvent or has made an assignment for the benefit of creditors before the bill matures the holder may cause the bill to be protested for better security against the drawer and indorsers.

SEC. 159. Protest is dispensed with by any circumstances which would dispense with notice of dishonor. Delay in noting or protesting is excused when delay is caused by circumstances beyond the control of the holder and not imputable to his default, misconduct or negligence. When the cause of delay ceases to operate the bill must be noted or protested for reasonable diligence.

When protest is dispensed with.

SEC. 160. Where a bill is lost or destroyed or is wrongly detained from the person entitled to hold it, protest may be made on a copy or written particulars thereof.

When bill is lost, destroyed, etc.

#### ARTICLE V.—ACCEPTANCE FOR HONOR.

SEC. 161. Where a bill of exchange has been protested for dishonor by non-acceptance or protested for better security and is not overdue, any person not being a party already liable thereon may, with the consent of the holder, intervene and accept the bill supra protest for the honor of any party liable thereon or for the honor of the person for whose account the bill is drawn. The acceptance for honor may be for part only of the sum for which the bill is drawn, and where there has been an acceptance for honor for one party there may be a further acceptance by a different person for the honor of another party.

When persons may intervene and accept bills supra protest.

SEC. 162. An acceptance for honor supra protest must be in writing and indicate that it is an acceptance for honor, and must be signed by the acceptor for honor.

Acceptance for honor supra must be in writing.

SEC. 163. Where an acceptance for honor does not expressly state for whose honor it is made, it is deemed to be an acceptance for the honor of the drawer.

When acceptance does not expressly state for whose honor made

SEC. 164. The acceptor for honor is liable to the holder and to all parties to the bill subsequent to the party for whose honor he has accepted.

Liability of acceptor for honor.

SEC. 165. The acceptor for honor by such acceptance engages that he will on due presentment pay the bill according to the terms of his acceptance, provided it shall not have been paid by

Obligations of acceptor for honor.

the drawee; and provided also, that it shall have been duly presented for payment and protested for non-payment and notice of dishonor given to him.

**Maturity of bill accepted for honor.**

SEC. 166. Where a bill payable after sight is accepted for honor its maturity is calculated from the date of the noting for non-acceptance and not from the date of the acceptance for honor.

**Payment of dishonored bills accepted for honor supra protest.**

SEC. 167. Where a dishonored bill has been accepted for honor supra protest or contains a reference in case of need, it must be protested for non-payment before it is presented for payment to the acceptor for honor or referee in case of need.

**Presentment for payment to acceptor, how made.**

SEC. 168. Presentment for payment to the acceptor for honor must be made as follows:

1. If it is to be presented in the place where the protest for non-payment was made, it must be presented not later than the day following its maturity.

2. If it is to be presented in some other place than the place where it was protested, then it must be forwarded within the time specified in section one hundred and four.

SEC. 169. The provisions of section eighty-one apply where there is delay in making presentment to the acceptor for honor or referee in case of need.

SEC. 170. When the bill is dishonored by the acceptor for honor it must be protested for non-payment by him.

#### ARTICLE VI.—PAYMENT FOR HONOR.

**Intervention of persons for payment of protested bill.**

SEC. 171. Where a bill has been protested for non-payment any person may intervene and pay it supra protest for the honor of any person liable thereon or for the honor of the person for whose account it was drawn.

**Payment for honor supra protest must be attested.**

SEC. 172. The payment for honor supra protest in order to operate as such and not as a mere voluntary payment must be attested by a notarial act of honor, which may be appended to the protest or form an extension to it.

**Notarial act of honor, how founded.**

SEC. 173. The notarial act of honor must be founded on a declaration made by the payer for honor or by his agent in that behalf declaring his intention to pay the bill for [honor and for] whose honor he pays.

**Two or more persons offering to pay bill for honor.**

SEC. 174. Where two or more persons offer to pay a bill for the honor of different parties the person whose payment will discharge most parties to the bill is to be given the preference.

**Discharge of parties subsequent to party for whose honor bill is paid.**

SEC. 175. Where a bill has been paid for honor all parties subsequent to the party for whose honor it is paid are discharged, but the payer for honor is subrogated for and succeeds to both the rights and duties of the holder as regards the party for whose honor he pays and all parties liable to the latter.

SEC. 176. Where the holder of a bill refuses to receive payment supra protest he loses his right of recourse against any party who would have been discharged by such payment. When holder of bill refuses to receive payment.

SEC. 177. The payer for honor on paying to the holder the amount of the bill and the notarial expenses incidental to its honor is entitled to receive both the bill itself and the protest. Payer entitled to receive both bill and protest.

#### ARTICLE VII.—BILLS IN A SET.

SEC. 178. Where a bill is drawn in a set, each part of the set being numbered and containing a reference to the other parts, the whole of the parts constitute one bill. Parts of bill constitute a whole.

SEC. 179. Where two or more parts of a set are negotiated to different holders in due course the holder whose title first accrues is as between such holders and [the] true owner of the bill. But nothing in this section affects the rights of a person who in due course accepts or pays the part first presented to him. Where two or more parts of set are negotiated to different holders.

SEC. 180. Where the holder of a set indorses two or more parts to different persons he is liable on every such part, and every indorser subsequent to him is liable on the part he has himself indorsed as if such parts were separate bills. Liability of indorser of two or more sets.

SEC. 181. The acceptance may be written on any part and it must be written on one part only. If the drawee accepts more than one part and such accepted parts are negotiated to different holders in due course he is liable on every such part as if it were a separate bill. Acceptance, how written.

SEC. 182. When the acceptor of a bill drawn in a set pays it without requiring the part bearing his acceptance to be delivered up to him, and that part at maturity is outstanding in the hands of a holder in due course, he is liable to the holder thereon. Payment by acceptor without requiring delivery of part, liability.

SEC. 183. Except as herein otherwise provided where any one part of a bill drawn in a set is discharged by payment or otherwise the whole bill is discharged. When whole bill is discharged.

#### TITLE III.—PROMISSORY NOTES AND CHECKS.

##### ARTICLE I.

SEC. 184. A negotiable promissory note within the meaning of this act is an unconditional promise in writing made by one person to another signed by the maker engaging to pay on demand or at a fixed or determinable future time a sum certain in money to order or to bearer. Where a note is drawn to the maker's own order it is not complete until endorsed by him. Negotiable promissory note construed.

SEC. 185. A check is a bill of exchange drawn on a bank payable on demand. Except as herein otherwise provided the provisions of this act are applicable to a bill of exchange payable on demand apply to a check.

SEC. 186. A check must be presented for payment within a reasonable time after its issue or the drawer will be discharged from liability thereon to the extent of the loss caused by the delay.

SEC. 187. Where a check is certified by the bank on which it is drawn the certification is equivalent to an acceptance.

SEC. 188. Where the holder of a check procures it to be accepted or certified the drawer and all indorsers are discharged from liability thereon.

SEC. 189. A check of itself does not operate as an assignment of any part of the funds to the credit of the drawer with the bank, and the bank is not liable to the holder unless and until it accepts or certifies the check.

#### TITLE IV.—GENERAL PROVISIONS.

##### ARTICLE I.

SEC. 190. This act shall be known as the negotiable instruments law.

SEC. 191. In this act unless the context otherwise requires:

“Acceptance” means an acceptance completed by delivery or notification.

“Action” includes counterclaim and set-off.

“Bank” includes any person or association of persons carrying on the business of banking, whether incorporated or not.

“Bearer” means the person in possession of a bill or note which is payable to bearer.

“Bill” means bill of exchange, and “note” means negotiable promissory note.

“Delivery” means transfer of possession, actual or constructive, from one person to another.

“Holder” means the payee or indorsee of a bill or note who is in possession of it or the bearer thereof.

“Indorsement” means an indorsement completed by delivery.

“Instrument” means negotiable instrument.

“Issue” means the first delivery of the instrument, complete in form, to a person who takes it as a holder.

“Person” includes a body of persons, whether incorporated or not.

“Value” means valuable consideration.

“Written” includes printed, and “writing” includes print.

SEC. 192. The person “primarily” liable on an instrument is the person who by the terms of the instrument is absolutely required to pay the same. All other parties are “secondarily” liable.

SEC. 193. In determining what is “reasonable time” or an “unreasonable time” regard is to be had to the nature of the instru-

ment, the usage of trade or business (if any) with respect to such instruments and the facts of the particular case.

SEC. 194. Where the day or the last day for doing an act herein required or permitted to be done falls on Sunday or on a holiday the act may be done on the next succeeding secular or business day.

SEC. 195. The provisions of this act do not apply to negotiable instruments made and delivered prior to the passage hereof.

SEC. 196. In any case not provided for in this act the rules of the law merchant shall govern.

SEC. 197. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed. That nothing in this act shall authorize the enforcement of an authorization to confess judgment or a waiver of homestead and personal property exemptions or a provision to pay counsel fees for collection incorporated in any of the instruments mentioned in this act; but the mention of such provisions in such instrument shall not affect the other terms of such instruments or the negotiability thereof, the laws now in force in this state with regard to days of grace shall remain in force and shall not be construed to be repealed by this act.

SEC. 198. This act shall be in force from and after its ratification. Ratified the 8th day of March, A. D. 1899.



**RESOLUTIONS**  
OF THE  
**GENERAL ASSEMBLY.**  
**SESSION 1899.**

**A resolution to provide for the appointment of a joint committee to whom shall be referred bills on court districts.**

*Resolved by the House of Representatives, the Senate concurring:*

That a special committee shall be appointed consisting of five members of the house of representatives and three members of the senate, to whom shall be referred all bills to abolish or change the criminal courts or to increase the number of superior courts, who shall report by bills or otherwise.

Special committee on criminal courts.  
All bills relating to criminal courts shall be referred.

Ratified the 14th day of January, A. D. 1899.

**Resolution to appoint a joint committee to investigate the laws and amendments to laws passed by the general assemblies of eighteen hundred and ninety-five and eighteen hundred and ninety-seven.**

*Resolved by the Senate, the House of Representatives concurring:*

That a joint committee of five, two on the part of the senate and three on the part of the house of representatives, be appointed to carefully examine all the public laws passed by the general assemblies of eighteen hundred and ninety-five and eighteen hundred and ninety-seven, and to report to this general assembly what laws or part of laws should be repealed or amended, and to make such other recommendations in regard to such laws as to them may seem proper.

Joint committee.  
To examine public laws of 1895 and 1897.  
Report.

Ratified the 14th day of January, A. D. 1899.

**Joint resolution of the general assembly of North Carolina.**

*Resolved by the General Assembly of North Carolina:*

**SECTION 1.** That it is in favor of the election of United States senators of the several states by a vote of the people of the several states.

Election of United States senators  
In favor of electing senators by a direct vote of the people.  
Request senators and representatives in congress to favor the submission of a constitutional amendment.  
Copies to be furnished.

**SEC. 2.** That it most respectfully requests our senators and representatives in congress to do all in their power to have submitted to the legislatures of the different states an amendment to the federal constitution looking to this end.

**SEC. 3.** That the clerk of the senate is hereby directed to furnish to each of our members in congress a copy of this resolution.

Ratified the 14th day of January, A. D. 1899.

*Resolved by the House of Representatives, the Senate concurring:*

Committee—  
number of.

Requesting gov-  
ernor to give  
general assembly  
his reasons for  
suspending rail-  
road commis-  
sioners.

That a committee consisting of three members of the house and two members of the senate be appointed to wait on the governor and ask him to present to the general assembly within the next five days from the passage of this resolution his reasons for suspending J. W. Wilson from the office of chairman of the railroad commission, and S. O. Wilson from the office of railroad commissioner and that he transmit to this body any evidence he may have in his possession relating to such removals.

Ratified the 14th day of January, A. D. 1899.

#### **Resolution to have printed governor's message.**

*Resolved by the House of Representatives, the Senate concurring:*

To print gov-  
ernor's message  
under super-  
vision of commit-  
tee on printing of  
house of repre-  
sentatives.

That five hundred copies of the governor's message be printed in full, under the supervision of the committee on public printing of the house of representatives, which is authorized to make a contract for this purpose; and that each member of this house and of the senate be furnished a copy of said message.

Ratified the 14th day of January, A. D. 1899.

#### **Resolution relating to Bagley monument.**

*Resolved by the House of Representatives, the Senate concurring:*

Bagley monu-  
ment.

That permission be given to the Bagley Monumental Association to erect, in the capitol square at Raleigh, a memorial in honor of Worth Bagley, late Ensign United States Navy.

Ratified the 18th day of January, A. D. 1899.

#### **Resolution to investigate the suspension of J. W. and S. O. Wilson.**

*Resolved by the House of Representatives, the Senate concurring:*

Committee, how  
constituted.

SECTION 1. That in the matter of the suspension of J. W. Wilson and S. Otho Wilson as railroad commissioners, a committee of five be appointed consisting of three members of the house and two members of the senate.

To consider gov-  
ernor's message;  
to consider and  
investigate all  
questions of law  
and of fact; to  
hear evidence and  
report.

SEC. 2. That said committee be authorized, empowered and directed to consider the message of the governor of North Carolina in regard to said suspension, to consider and investigate fully all questions of law and fact; to hear all evidence relating

thereto and report the findings of said committee in said case of suspension both as to law and fact, together with all the evidence produced before them back to the house and senate.

SEC. 3. That said committee be and is hereby empowered to compel the attendance of witnesses before it and the production of all papers, documents and evidence of all kind relating to the subject-matter of the investigation, and that to compel such evidence and witnesses the said committee shall have power to attach and punish for contempt.

May compel attendance of witnesses and production of papers.

SEC. 4. That said committee is further authorized to employ typewriters and stenographers as may be necessary.

May punish for contempt.  
May employ stenographers, etc.

Ratified the 23d day of January, A. D. 1899.

**Joint resolution to appoint committee to make arrangements for lecture to be delivered by Rev. James Battle Averett.**

*Resolved by the House of Representatives of the General Assembly of North Carolina, the Senate concurring:*

That a committee of three on the part of the house and two on the part of the senate be appointed to make all necessary arrangements for the lecture to be delivered in the hall of the house of representatives on January nineteenth, eighteen hundred and ninety nine, by the Rev. James Battle Averett.

To arrange for lecture by Rev. James Battle Averett.

Ratified the 23d day of January, A. D. 1899.

**Joint resolution in regard to the public printing.**

*Resolved by the House of Representatives, the Senate concurring:*

That the committee on printing on the part of the house and senate be invested with power to contract with some one who is prepared to do the state printing and binding at a price not exceeding that paid under chapter fifty two of The Code for the years eighteen hundred and ninety-three and eighteen hundred and ninety-four, until the same can be regulated by law.

Power to contract for the state's printing and binding.

*Be it further resolved,* that none of said printing or binding shall be done outside of the state.

Ratified the 23d day of January, A. D. 1899.

**Resolution instructing our representatives in the United States congress to introduce a bill to appropriate a sufficient amount of money to establish a light beacon at the Cape channel in Pamlico sound.**

**Preamble.**

WHEREAS, dangerous reefs lie on the southeast side of Pamlico sound on a line of nearly one hundred miles from Roanoke island to Hatteras inlet; and

WHEREAS, no lights have been established to mark by night the entrance to the harbors or havens inside the reef, thereby endangering the lives and property of the numerous fishermen and others that ply the waters of Pamlico sound; and

WHEREAS, the light beacon at the point of Cape Hatteras on the Atlantic coast has become inoperative by reason of the encroachment of the sea, thereby endangering commerce and human life at that point; therefore be it

*Resolved by the House of Representatives, the Senate concurring:*

Senators and representatives in congress instructed to introduce a bill to secure an appropriation to establish certain light beacons in Pamlico sound.

That our senators and representatives from North Carolina in the United States congress be and they are hereby instructed to introduce and urge to its final passage a bill appropriating a sufficient amount of money to establish a light beacon of not less than sixth order, with iron supports on the north point of the reef, at the entrance of the Cape channel in Pamlico sound, and also to establish another light beacon of the same dimensions at Cape Hatteras on the beach. That copies of this resolution be transmitted to each of our senators and representatives in the United States congress as soon as possible after the same is adopted.

Copies of resolution to be transmitted to senators and representatives in Congress.

Ratified the 24th day of January, A. D. 1899.

**Resolution in favor of A. Cannon.**

*Resolved by the Senate, the House of Representatives concurring:*

Treasurer authorized to pay certain expenses of contests.

*Resolved first.* That the state treasurer of North Carolina is authorized and directed to pay to the contestant, A. Cannon, for expenses incurred in the contested election case of Cannon v. Franks, from the thirty-fourth district, the sums of

\$50.00 for attorney fees,  
100.00 for expenses,  
52.50 for commissioners.

202.50 (two hundred, two and fifty-one-hundredth dollars).

*Resolved second.* This resolution shall be in force from and after its passage.

Ratified the 31st day of January, A. D. 1899.

**Resolution to certify certain fish bill to fish commissioner at Washington.***Resolved by the House of Representatives, the Senate concurring:*

That the secretary of state is hereby authorized and instructed to forward a certified copy of senate bill sixty-three, house bill two hundred and thirty-two, to the fish commission at Washington, D. C.

Secretary of state  
to certify copies.

Ratified the 26th day of January, A. D. 1899.

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**Resolution of inquiry as to payment of money out of treasury.***Resolved by the House of Representatives, the Senate concurring:*

That a committee consisting of three to be appointed on the part of the house and two on the part of the senate be appointed to ascertain by inquiries or otherwise whether any sum or sums of money have been paid out of the state treasury without authority of law and report to the general assembly the result of their investigation.

Committee to inquire whether money has been paid out of treasury without authority of law.

Ratified the 31st day of January, A. D. 1899.

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**A resolution in favor of Elizabeth City and Camden Ferry Company.**

WHEREAS, an application was made to this general assembly by certain gentlemen of Elizabeth City for an act incorporating the "Elizabeth City and Camden Ferry," and the same having been referred to the committee on public roads and turnpikes, who reported the same unfavorably, and upon which report the act of incorporation was laid upon the table; and

Preamble.

WHEREAS, C. H. Robinson, one of the incorporators, having deposited the fifty dollars as required by law with the treasurer of the state, and receipt for the same being attached to the report of the said committee; now therefore,

Return of money.

*Be it resolved by this General Assembly:*

First. That the said fifty dollars be returned to the said C. H. Robinson or his agent.

Ratified the 31st day of January, A. D. 1899.

**A resolution to appoint committee on trustees of the University.**

*Resolved by the House of Representatives, the Senate concurring:*

Appointment of  
trustees of  
University.

That a committee of eight, consisting of five from this house and three from the senate, be appointed to recommend to the general assembly trustees for the University to be appointed by this legislature. The committee appointed by house meet in joint session with the regular committee of the senate for the appointment or nomination of trustees to University.

Ratified the 31st day of January, A. D. 1899.

**Joint resolution providing for the election of directors of the State's Prison on Friday, February third, eighteen hundred and ninety-nine at twelve M.**

*Resolved by the House of Representatives, the Senate concurring:*

Directors of  
penitentiary.

That twelve directors of the State's Prison be elected by joint ballot of both houses, to be taken at twelve o'clock noon on Friday, February third, eighteen hundred and ninety-nine.

Ratified the 1st day of February, A. D. 1899.

**Resolution to pay the expenses of J. A. Franks, senator of the thirty-fourth senatorial district in the contested election case of Cannon against Franks.**

*Resolved by the Senate, the House of Representatives concurring:*

To pay Senator  
Franks expenses  
of election con-  
test.

First. That the treasurer is hereby authorized to pay J. A. Franks, a senator from the thirty-fourth district, the sum of one hundred and sixty-two dollars and ten cents for expenses incurred in the contested election case of Cannon v. Franks, heard at this session of the general assembly.

Second. That this resolution take effect from and after its ratification.

Ratified the 1st day of February, A. D. 1899.

A joint resolution to instruct the senators and request the representatives in congress from North Carolina to procure an appropriation for the payment of claims arising out of the late war with Spain.

WHEREAS, the governor of North Carolina received the following message from the secretary of war:

“Telegram.

“Washington, D. C., April 27, 1898.

“The Governor of North Carolina, Raleigh, N. C.:

“The following decision of the secretary of war of this date is communicated for your information. All absolutely necessary expense for the subsistence, transportation, sheltering and generally the maintenance of volunteers during the interval between their enrollment, ‘enlistment’ and their muster ‘or being sworn’ into the service of the United States; also all incidental expenses connected therewith, such as the hire of officers, clerks, messengers, etc., for mustering officers, will be met by the government of the United States from the proper appropriation at the disposal of the several staff departments of the army. Certified vouchers for all expenditures herein authorized will be forwarded to the war department for audit and payment. The vouchers should be certified by officers of the proper staff departments and approved by the mustering officers.

“(Signed) H. C. CORBIN, Adjutant-General.”

AND WHEREAS, acting upon the faith of said message, various persons and corporations furnished supplies, labor and services, all of it being for legitimate and necessary expenses in organizing, mobilizing, sustaining, equipping, transporting and subsisting the state’s quota of troops preparatory to their being mustered into the service of the United States in the recent war with Spain; and

WHEREAS, said claims have not been paid by the United States; now, therefore,

*Resolved*, that our senators in congress and our representatives are requested to procure an appropriation for the payment of said claims, amounting to about twenty-six thousand dollars, nearly all of which have been duly examined and passed upon and approved by the adjutant-general and governor of North Carolina.

Ratified the 8th day of February, A. D. 1899.

Joint resolution urging our representatives in congress from North Carolina to procure an appropriation for the payment of claims arising out of war with Spain.  
Preamble.

Preamble continued.

Representatives and senators in congress are requested to procure appropriation for claims amounting to about \$26,000.

**Joint resolution providing for a joint ballot of both houses to fill vacancies in the board of directors of the State's Prison.**

*Resolved by the House of Representatives, the Senate concurring:*

Time fixed for the election of directors to the vacancies on board of directors of State's Prison.

That at twelve m. on Tuesday the seventh day of February, eighteen hundred and ninety-nine, a joint ballot of both houses of the general assembly be taken to elect three persons to fill vacancies now existing in the board of directors of the State's Prison.

Ratified the 8th day of February, A. D. 1899.

**Joint resolution concerning titles to bills.**

*Resolved by the Senate, the House of Representatives concurring:*

Resolution requiring brief reference to subject-matter in title of bills.

That any bill hereafter introduced to amend or repeal any section of The Code, or any act or section of an act of assembly, shall contain in its title a brief reference to the subject-matter of the law proposed to be amended or repealed.

Ratified the 8th day of February, A. D. 1899.

**Joint resolution relative to penitentiary directors.**

*Resolved by the Senate, the House concurring:*

Committee appointed to wait on the governor and ascertain the vacancies existing on the penitentiary board

That a committee of one on the part of the senate and two on the part of the house be appointed to at once wait upon the governor and ascertain the number of vacancies on the penitentiary board and report the same to the general assembly.

Ratified the 10th day of February, A. D. 1899.

**Joint resolution to pay the counsel fees and costs in the contested election case of George Dees, contestant, against Dudley Paul, contestee.**

*Resolved by the House of Representatives, the Senate concurring:*

State treasurer authorized to pay George Dees, contestant, \$187.50.

That the state treasurer of North Carolina be and he is hereby authorized and directed to pay George Dees, contestant, the sum of one hundred and eighty-seven and fifty one-hundredth dollars, in full of counsel fees and costs incurred in the contested election of Dees against Paul; and to Dudley Paul, contestee, the sum of ninety-eight and fifty-five one-hundredth dollars, in full allowance for fees and costs incurred by him in said contest.

Ratified the 13th day of February, A. D. 1899.

**Joint resolution as to notifying directors of the State's Prison.**

*Resolved by the House of Representatives, the Senate concurring:*

That a certificate of election signed by the speaker of the house and the president of the senate be sent to the newly elected members of the board of directors of the State's Prison, notifying them of their election and of the time fixed by law for their first meeting.

Certificate of election ordered sent to newly elected members of board of directors of State's Prison.

Ratified the 13th day of February, A. D. 1899.

**Joint resolution to proceed to the election of directors of the State's Prison.**

*Resolved by the House of Representatives, the Senate concurring:*

That the senate and house of representatives proceed at the hour of eleven-thirty o'clock on Thursday, February ninth, eighteen hundred and ninety-nine, to elect a member of the board of directors of the State's Prison in place of R. H. Ricks, who declines to serve.

Time set for election of a member of board of directors of State's Prison vice R. H. Ricks, resigned.

Ratified the 13th day of February, A. D. 1899.

**A resolution providing for paying the cost in the election contest of Sugg, contestant, against Mitchell, contestee.**

*Resolved by the House of Representatives, the Senate concurring:*

That J. E. W. Sugg, contestant, be paid the sum of one hundred and seventy and ninety one-hundredth dollars in full of all costs and counsel fees by him expended in the contest for a seat in the house from Greene county.

J. E. W. Sugg, contestant, ordered paid \$170.90, expenses.

Ratified the 13th day of February, A. D. 1899.

**Joint resolution relating to removal of state arsenal.**

*Resolved by the House of Representatives of the General Assembly of North Carolina, the Senate concurring:*

First. That the state board of public buildings and grounds be and the same is hereby instructed to remove the building known as the state arsenal, located upon the capitol square.

Board of public buildings authorized to remove building known as state arsenal. Authorized to make arrangements for storing arms and ammunition.

Second. That the said board of public buildings and grounds is hereby authorized to make some arrangements for storing the

arms and ammunition belonging to the state as they may deem satisfactory: *Provided*, same be not located upon the capitol square.

Third. That this resolution be effective from and after its ratification.

Ratified the 13th day of February, A. D. 1899.

**A joint resolution calling for report of the condition of the penitentiary, and an inventory of its assets as required by law.**

*Resolved by the House of Representatives, the Senate concurring:*

Governor authorized to send annual report of superintendent of penitentiary to general assembly.

That the governor, as soon as may be, send to the general assembly the annual report of the superintendent of the penitentiary, showing the financial condition of the institution and an inventory and account of the superintendent for the year eighteen hundred and ninety-seven and eighteen hundred and ninety-eight.

Ratified the 13th day of February, A. D. 1899.

**Resolution to pay expenses of special committee that visited and inspected State School for the Deaf and Dumb at Morganton.**

*Resolved by the Senate, the House of Representatives concurring:*

State treasurer authorized to pay Stephen McIntyre \$114.50, expense as chairman of certain joint committee.

That the state treasurer is hereby authorized and directed to pay to Stephen McIntyre, chairman of special joint committee that visited the State School for Deaf and Dumb at Morganton, the sum of one hundred and eleven dollars and forty-five cents (\$114.50), expenses incurred by said committee.

Ratified the 13th day of February, A. D. 1899.

**A resolution in regard to election of justices of the peace.**

Joint committee on justices of the peace appointed.

*Resolved*, that a joint committee on election of justices of the peace, consisting of five on the part of the house and three on the part of the senate, be appointed, to which committee all matters concerning election of justices of the peace shall be referred.

Ratified the 15th day of February, A. D. 1899.

**A resolution to elect directors for the Deaf and Dumb School at Morganton.**

*Resolved by the House of Representatives, the Senate concurring:*

That the general assembly proceed on Thursday, February sixteenth at twelve o'clock noon, to the election of a board of directors for the Deaf and Dumb School at Morganton.

Time fixed for electing directors of Deaf and Dumb School at Morganton.

Ratified the 15th day of February, A. D. 1899.

**Joint resolution of the house of representatives and of the senate appointing a special committee to secure the better ventilation of both halls of the general assembly.**

*Resolved by the House of Representatives, the Senate concurring:*

That a special committee, consisting of three members from the house and two members from the senate, be appointed to meet and devise some means to secure better ventilation of the senate and commons halls, and that said committee report their action as soon as possible to the legislature.

Joint committee appointed to secure better ventilation for capitol.

Ratified the 16th day of February, A. D. 1899.

**Resolution to pay expenses of G. G. Eaves and W. L. Lambert.**

*Resolved by the Senate, the House of Representatives concurring:*

That the sum of ninety-eight and seventy-five one-hundredth dollars (\$98.75) be paid to G. G. Eaves, and that the sum of one hundred [and] forty-eight and seventy one-hundredth dollars (\$148.70) be paid to W. L. Lambert, the same being expenses incurred in the contest of G. G. Eaves and W. L. Lambert vs. W. J. Souther and S. C. Kerley for seats in the senate. That the sum of sixteen and eighty one-hundredth dollars (\$16.80) be paid to Thomas Morris, clerk superior court of McDowell county, and that the sum of twenty-five dollars (\$25) be paid to J. C. Bowman, clerk superior court of Mitchell county, witnesses in said contest case.

Certain amounts ordered paid as expenses in the contest of G. G. Eaves and W. L. Lambert.

That this resolution take effect from and after its ratification. Ratified the 22d day of February, A. D. 1899.

**A resolution in favor of Hon. W. L. Norwood.**

*Resolved by the House of Representatives, the Senate concurring:*

That the treasurer is hereby authorized and required upon the warrant of the auditor to pay Hon. W. L. Norwood, Judge of the twelfth judicial district, the sum of five hundred and eighty-eight dollars and eighteen cents, this sum being the portion of the said W. L. Norwood's salary that was withheld during the months of June, July and August of the year eighteen hundred and ninety-eight.

Salary of W. L. Norwood amounting to \$588.18 withheld, ordered paid

Ratified the 23d day of February, A. D. 1899

**A resolution providing for the election of trustees of the University of North Carolina.**

*Resolved by the House of Representatives, the Senate concurring:*

Date fixed for election of trustees of the University of North Carolina.

That a joint ballot of the two houses be taken on Friday, twenty-fourth February, eighteen hundred and ninety-nine, to elect trustees of the University of North Carolina.

Ratified the 24th day of February, A. D. 1899.

**A resolution to elect a librarian on February twenty-fourth, eighteen hundred and ninety-nine, at twelve M.**

*Resolved by the House of Representatives, the Senate concurring:*

Date fixed for election of librarian.

That the two houses of the general assembly proceed at twelve m on Friday the twenty-fourth day of February to elect a librarian for the state by ballot of both houses.

Ratified the 24th day of February, A. D. 1899.

**Resolution directing the public treasurer to refund to R. B. Raney the fifty dollars paid by him, pursuant to chapter three hundred and eighteen, laws of eighteen hundred and ninety-three, preliminary to introduction of bill to incorporate the "Olivia Raney Library."**

*Resolved by the House of Representatives, the Senate concurring:*

Treasurer authorized to refund R. B. Raney \$50.

That the public treasurer of the state be and he is hereby directed to refund to R. B. Raney the sum of fifty dollars paid by him to said treasurer on the fourteenth day of February, eighteen hundred and ninety-nine, pursuant to chapter three hundred and eighteen, laws of eighteen hundred and ninety-three, preliminary to the introduction of a bill for the passage of a private law entitled "An act to incorporate the Olivia Raney Library," the said act being for purely benevolent and educational purposes.

Ratified the 27th day of February, A. D. 1899.

**Resolution to pay W. H. Carroll and B. B. Nicholson, attendants upon the funeral of Mrs. C. W. Davis.**

Preamble.

WHEREAS, Mrs. C. W. Davis, the wife of C. W. Davis, who is at present a member of the house from Hyde county, died in the city of Raleigh during the sitting of this legislature; and

WHEREAS, W. H. Carroll and B. B. Nicholson were appointed to accompany the remains of the deceased to the county of Hyde; now therefore,

*Resolved by the House of Representatives, the Senate concurring:*

That the treasurer of the state be and he is hereby directed to pay to W. H. Carroll and B. B. Nicholson thirty dollars and thirty-five cents, expenses incurred in attending the funeral of Mrs. C. W. Davis, the itemized statement of which is hereto appended.

Treasurer authorized to pay W. H. Carroll and B. B. Nicholson \$42.25 certain expenses incurred.

Ratified the 28th day of February, A. D. 1899.

*Resolved by the Senate, the House concurring:*

That the treasurer of the state upon the warrant of the auditor of the state pay to S. C. Kerley and W. J. Souther the sum of one hundred and fifty-two dollars and fifty cents (\$152.50) for their expenses in the election contest of W. L. Lambert and G. G. Eaves.

Certain expenses in the election contest of W. L. Lambert and G. G. Eaves ordered paid.

*Resolved*, that this resolution shall be in force from and after its ratification.

Ratified the 28th day of February, A. D. 1899.

A resolution of instruction to our senators and representatives in congress from North Carolina, for the relief of depositors in the Freedmen's Saving and Trust Company, a company chartered by congress between eighteen hundred and sixty-three and eighteen hundred and sixty-six, and which did business in the name of the United States.

*Resolved by the House of Representatives, the Senate concurring:*

1. That our North Carolina representatives and senators in congress be and they are requested to look into the affairs of the said Freedmen's Saving and Trust Company and do in the premises what seems right and just to the depositors thereof.

2. We are informed that there is three millions of dollars (\$3,000,000) in the United States treasury belonging to the colored people of the United States in the nature of unclaimed pensions and bounties; therefore we request each representative and senator in congress to favor the passage of a bill already introduced or to introduce an equitable bill to pay the colored people back the money they lost through the failure of the Freedmen's Saving and Trust Company.

3. That the clerk will furnish each of our congressmen and senators a copy of these resolutions.

Ratified the 28th day of February, A. D. 1899.

## A resolution in favor of W. E. Harris.

*Resolved by the Senate, the House concurring:*

W. E. Harris  
allowed certain  
expenses.

That W. E. Harris be allowed the sum of forty dollars, expenses incurred in contested election case of St. Leon Scull, contestant, versus W. E. Harris, contestee.

Ratified the 2d day of March, A. D. 1899.

**Joint resolution in the matter of the suspension of J. W. Wilson and S. O. Wilson from the office of railroad commissioner.**

This matter coming upon the report of the committee heretofore appointed to investigate the same:

*Be it resolved by the General Assembly in joint session:*

To remove J. W.  
Wilson from  
office as railroad  
commissioner.

That J. W. Wilson be removed from the office of railroad commissioner.

Lost in joint session March 2d, 1899.

**Joint resolution in the matter of the suspension of J. W. Wilson and S. O. Wilson from the office of railroad commissioner.**

This matter coming upon the report of the committee heretofore appointed to investigate the same:

*Be it resolved by the General Assembly in joint session:*

To remove S. O.  
Wilson from  
office as railroad  
commissioner.

That S. O. Wilson be removed from the office of railroad commissioner.

Lost in joint session March 2d, 1899.

**Resolution in regard to the election of Henry B. Stevens judge.**

*Resolved by the House of Representatives, the Senate concurring:*

Henry B. Stevens  
elected judge of  
western criminal  
circuit court.

SECTION 1. That Henry B. Stevens has been duly elected judge of the western criminal circuit court by the joint ballot of the senate and house of representatives of North Carolina in pursuance of an act of the general assembly of North Carolina.

Governor to  
issue commis-  
sion.

SEC. 2. That it is the duty of the governor of North Carolina, in pursuance of such election, to issue to Henry B. Stevens a commission as judge of said court in compliance with said act.

Ratified the 4th day of March, A. D. 1899.

Joint resolution to defray expenses of committee visiting penitentiary farm.

*Resolved by the House of Representatives, the Senate concurring:*

That the auditor shall audit and the state treasurer shall pay as follows:

Certain expenses connected with penitentiary ordered paid.

To H. S. Harrison, - - - - -	\$34.45
To G. B. Patterson, - - - - -	10.00
To R. M. Crumpler, - - - - -	10.00
To E. L. Travis, - - - - -	12.05
To J. C. Thomas, - - - - -	17.20
J. K. Abbott. - - - - -	16.20

to defray actual expenses for visiting and inspecting the penitentiary farms in Halifax, Northampton, Anson and New Hanover counties, the said parties being the sub-committee on the part of the joint committee on penal institutions to visit said farms.

Ratified the 4th day of March, A. D. 1899.

*Resolved by the Senate and House of Representatives of the General Assembly of North Carolina:*

First. That the thanks of the people of North Carolina are due, and are hereby through their representatives assembled, tendered to Captain Joseph Coghlan, the commander of the cruiser Raleigh, for his gallantry whilst commanding the Raleigh in the late war with Spain; and especially do we commend him for his conspicuous valor in the naval engagement in Manila harbor, in which under his command the Raleigh, as a part of Admiral Dewey's fleet, took such a prominent and efficient part as to call forth words of highest commendation for Captain Coghlan and his crew in Admiral Dewey's report of the engagement.

Thanks of assembly tendered Capt Joseph Coghlan, commander of the cruiser Raleigh.

Whilst appreciating the heroism of our soldiers and seamen generally in the war with Spain, we feel called upon especially to express our thanks to the commanding officer of the warship Raleigh, which is named in honor of the capital of our state.

Second. That copies of this resolution be sent, one each to the president of the United States and the secretary of the navy, and to Captain Joseph Coghlan.

Third. That this resolution take effect upon its ratification.

Ratified the 4th day of March, A. D. 1899.

**Joint resolution providing for the payment of expenses of sub-committee to visit the institutions of the state.**

*Resolved by the House of Representatives, the Senate concurring:*

Visiting committee to University and Normal School ordered paid expenses incurred.

That the following persons be paid the expenses incurred by them as sub-committee of education, visiting the University, and the Normal School in Greensboro, to-wit:

Lock Craig,	- - - - -	\$8.50
H. C. Wall,	- - - - -	11.25
P. A. Davis,	- - - - -	12.25
Bryan of Madison,	- - - - -	12.50
Johnston of,	- - - - -	9.30
Williams of Yadkin,	- - - - -	12.50
Carr of Duplin,	- - - - -	9.30
Mauney of Cherokee,	- - - - -	10.00
Senator Smith of Stanly,	- - - - -	12.50
Senator James of Pitt,	- - - - -	9.70
Williams of Cumberland,	- - - - -	12.40
Wilson of Guilford	- - - - -	7.30
Hack fare,	- - - - -	20.00
J. C. Kennett,	- - - - -	7.30

Ratified the 4th day of March, A. D. 1899.

**Resolution in favor of F. M. White.**

*Resolved by the Senate, the House of Representatives concurring:*

F. M. White ordered paid expenses of election contest.

That the state treasurer is authorized and directed to pay F. M. White, contestee, the sum of fifty dollars for expenses incurred in the contested election case of Jones vs. White from the fourteenth senatorial district.

Ratified the 6th day of March, A. D. 1899.

**A joint resolution to appoint a committee to nominate members of the board of agriculture.**

*Resolved by the Senate, the House of Representatives concurring:*

Committee appointed to nominate members of board of agriculture.

That a committee of five, two from the senate and three from the house, be appointed to nominate fourteen members of the board of agriculture: *Provided*, that said committee shall pay due respect to the selection made for each congressional district by the senators and members of such district.

Ratified the 6th day of March, A. D. 1899

**Resolution to elect keeper of the capitol.**

*Resolved by the House of Representatives, the Senate concurring:*

That the general assembly promise to elect a keeper of the capitol on Friday the third day of March at twelve o'clock.

Date set for election of keeper of capitol.

Ratified the 6th day of March, A. D. 1899.

**A resolution relative to election of railroad commissioners.**

*The General Assembly of North Carolina do enact:*

*Resolved by the House of Representatives, the Senate concurring:*

That the general assembly go into the election of railroad commissioners to-day at two fifteen o'clock.

Time set for the election of railroad commissioners.

Ratified the 6th day of March, A. D. 1899.

**Resolution regarding Company G, third regiment North Carolina.**

WHEREAS, Company G, Third Regiment North Carolina State Guards was held for ten days in temporary camp at Reidsville, North Carolina, by the adjutant-general, subject to the call of the state, from May second to May twelfth, eighteen hundred and ninety-eight; and

Preamble.

WHEREAS, the said Company G, at the expiration of ten days, was notified by the adjutant-general that the services of the company would not be needed; and

WHEREAS, the actual expenses, exclusive of any compensation for service, incurred by the said Company G amounted [to] the sum of one hundred, fifty and no one hundredth dollars (\$150) as per statement rendered herewith by the captain of the company; therefore

*The General Assembly of North Carolina do enact:*

SECTION 1. That the state treasurer be and he is hereby authorized and directed to pay Company G, Third Regiment North Carolina State Guards, the sum of one hundred, fifty and no one-hundredth dollars (\$150) out of any funds now in his hands or that may hereafter come into his hands that has not been otherwise appropriated.

State treasurer authorized to pay certain claim.

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

Ratified the 6th day of March, A. D. 1899.

Resolution to reimburse the sub-committee of the committee on insane asylums their actual and necessary expenses, eighteen dollars and ninety cents (\$18 90) in visiting the State Hospital at Goldsboro.

*Resolved by the House of Representatives, the Senate concurring:*

That the sub-committee of the joint committee on institutions for the insane who visited the State Hospital at Goldsboro be paid their necessary expenses as per the annexed accounts, eighteen dollars and ninety cents (\$18.90), and the treasurer shall pay the same upon the warrant of the auditor out of any money in the treasury not otherwise appropriated.

EXPENSES OF SUB-COMMITTEE TO STATE HOSPITAL AT GOLDSBORO.

<i>Senators.</i>	
Joel L. Crisp, - - - - -	\$3.15
Thomas J. Murray, - - - - -	3.15
<i>Representatives.</i>	
Dr. D. B. McNeill, - - - - -	3.15
Dr. B. E. Reeves - - - - -	3.15
J. Y. Eaton, - - - - -	3.15
O. P. Williams, - - - - -	3.15
	18.90
Senate committee, - - - - -	6.30
House committee, - - - - -	12.60

The above amount to be distributed to the above named members by Dr. D. B. McNeill, chairman of sub-committee.

This resolution shall be in effect from and after its ratification.

Ratified the 6th day of March, A. D. 1899.

**Joint resolution relating to exchange of supreme court reports, laws and documents, with the territory of Hawaii.**

*Resolved by the Senate, the House of Representatives concurring, that:*

Preamble.

WHEREAS, the supreme court of Hawaii has already forwarded to the secretary of state seven hundred volumes of law and ten volumes of supreme court reports of the government of Hawaii, covering the period of the past fifty years, the secretary of state be and he is hereby authorized and directed to exchange the supreme court reports, laws and public documents of North Carolina, one copy each, so far as the same may now or hereafter be on hand, with the territory of Hawaii.

Ratified the 6th day of March, A. D. 1899.

Expenses ordered paid visiting committee to hospital for insane.

Secretary of state authorized to exchange certain documents.

Resolution to appoint a joint committee to recommend trustees for the North Carolina College of Agriculture and Mechanic Arts.

*Resolved by the House of Representatives, the Senate concurring:*

That a committee of three on the part of the house and two on the part of the senate be appointed to recommend trustees for the North Carolina College of Agriculture and Mechanic Arts.

Committee to recommend trustees for A. and M. College.

Ratified the 6th day of March, A. D. 1899.

Resolution directing the secretary of state to publish two hundred copies of house bills six hundred and twenty-two and seven hundred and thirty-three.

WHEREAS, this general assembly has passed an act regulating the shell-fish industry of North Carolina; and

Preamble.

WHEREAS, a board of shell fish commissioners were appointed in said acts, with certain duties required of them; and

WHEREAS, said commissioners are required to meet ten days after their election to organize and enter upon the duties of their office; now, therefore, be it

*Resolved by the House of Representatives, the Senate concurring:*

SECTION 1. That the secretary of state be and he is hereby authorized and directed to have two hundred copies of house bills six hundred and twenty-two and seven hundred and thirty-three published and send twenty copies of the same to each of the clerks of the superior courts of Dare, Hyde, Pamlico, Pasquotank, Carteret, Craven and Beaufort counties for distribution.

Secretary of state authorized to have certain bills printed.

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

Ratified the 6th day of March, A. D. 1899.

A resolution in regard to the elections of the state board of election.

*Resolved by the Senate, the House of Representatives concurring:*

That two members on the part of the senate and three members on the part of the house be appointed to nominate the seven members of the state board of elections, and that they report their nomination to the general assembly for election.

Committee appointed to nominate members of state board of election.

Ratified the 6th day of March, A. D. 1899.

**Resolution to pay expenses of joint sub-committee who visited the State Hospital at Morganton.**

*Resolved by the Senate, the House of Representatives concurring:*

Auditor authorized to draw certain warrant.

That the auditor be directed to draw his warrant on the treasurer of North Carolina for the sum of eighty seven dollars and sixty cents (\$87.60) in favor of R. H. Speight, chairman of joint committee on insane asylums, to pay the actual expenses in sending a sub-committee to visit State Hospital at Morganton.

Ratified the 6th day of March, A. D. 1899.

**Resolution in regard to pages.**

*Resolved by the House of Representatives and by the Senate:*

Extra allowance for pages.

In consideration of the faithful services of the pages in the senate and the house of representatives during this session of the general assembly, that they receive at the end of this session five dollars (\$5) as a bonus in addition to their one dollar per diem.

Ratified the 6th day of March, A. D. 1899.

**Resolution to elect members of board of agriculture.**

Election of board of agriculture

*Resolved*, that the members of senate and house of representatives proceed to elect members of board of agriculture at twelve m. Saturday, the fourth of March.

Ratified the 6th day of March, A. D. 1899.

**Joint resolution providing for the election of insurance commissioner and other officers.**

*Resolved by the House of Representatives, the Senate concurring:*

Election of officers

That the general assembly proceed to the election of the following officers on the day and at the hour named, to wit:

Election of insurance commissioner.

1. Insurance commissioner—Monday night, March sixth, eight hundred and ninety nine, at eight-thirty p. m.

Corporation commissioners.

2. Three North Carolina corporation commissioners (one to be chairman)—Monday night, March sixth, eighteen hundred and ninety nine, at eight-thirty five p. m.

State board of elections.

3. State board of elections (seven members)—Monday night, March sixth, eighteen hundred and ninety nine at eight forty p.m.

Judges of eastern and western district criminal court.

4. Judge of the eastern criminal circuit—Monday night, March sixth, eighteen hundred and ninety-nine, at eight-forty five p. m.

And judge of the western criminal court—Monday night, March sixth, eighteen hundred and ninety nine, at eight fifty p. m.

5. Board of directors of the State's Prison—Monday night, March sixth, eighteen hundred and ninety nine, at nine p. m. Directors of State's Prison.

6. State librarian—Monday night, March sixth, eighteen hundred and ninety-nine, at nine-ten p. m. State librarian.

7. Keeper of the capitol—Monday night, March sixth, eighteen hundred and ninety-nine, at nine-fifteen p. m. Keeper of capitol.

And that two tellers on the part of each house be appointed to conduct said election.

Ratified the 7th day of March, A. D. 1899.

#### Resolution in favor of F. P. Jones.

*Resolution by the House of Representatives, the Senate concurring:*

SECTION 1. That the treasurer is authorized and directed to pay to the contestant, Frank P. Jones, for expenses incurred in the contested election case of Jones vs. White from fourteenth district the sum of two hundred dollars (\$200). Treasurer directed to pay Frank P. Jones, contested election expenses.

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

Ratified the 7th day of March, A. D. 1899.

#### Resolution in regard to electing trustees for the Agricultural and Mechanical College for the colored race at Greensboro, North Carolina.

*Resolved by the House of Representatives, the Senate concurring:*

That a committee of three be appointed, two on the part of the house and one on the part of the senate, to recommend to the general assembly the names of persons for trustees of the Agricultural and Mechanical College for the colored race at Greensboro. Nomination of trustees for A. and M. College at Greensboro.

Ratified the 7th day of March, A. D. 1899.

#### A joint resolution providing for the election of trustees of the North Carolina College of Agriculture and Mechanic Arts.

*Resolved by the House of Representatives, the Senate concurring:*

That a joint ballot of the two houses be taken on Saturday, March fourth, eighteen hundred and ninety-nine, at twelve m. to elect trustees of the North Carolina College of Agriculture and Mechanic Arts. Time fixed for election of trustees of A. and M. College at Raleigh.

Ratified the 7th day of March, A. D. 1899.

Resolution in regard to the adjournment of the general assembly.

*Resolved by the House of Representatives, the Senate concurring:*

Date of adjournment fixed.

That the general assembly adjourn on Wednesday the eighth day of March, eighteen hundred and ninety-nine, at twelve o'clock m., to meet again in the city of Raleigh on Tuesday after the second Monday of June, nineteen hundred.

Delivery of laws to printer by secretary of state.

That the secretary of state deliver to the public printer immediately upon this adjournment the journals of the house and senate, and all resolutions, private and public laws, passed at this session and that the same be published and distributed as upon an adjournment sine die.

Ratified the 8th day of March, A. D. 1899.

*Resolved by the House of Representatives, the Senate concurring:*

Payment of expenses in certain investigation authorized.

SECTION 1. That upon the order of F. I. Osborne, chairman of the joint committee appointed to investigate the matter of J. W. Wilson and S. Otho Wilson, railroad commissioners, the auditor shall issue his warrant for such amounts as are allowed by law for the purpose of defraying the expenses of witnesses, stenographers, commissioners to take depositions, type writing and printing in said investigation.

Treasurer authorized to pay warrants.

SEC. 2. That upon the warrant of the said auditor the state treasurer shall pay out of any money in the treasury not otherwise appropriated the amount necessary to defray the expense of said investigation.

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

Ratified the 8th day of March, A. D. 1899.

Resolution to pay Misses Ellington and Robeson for services as typewriters

*Resolved by House of Representatives, the Senate concurring:*

Amount ordered paid to typewriters for certain services.

SECTION 1. That Misses Ellington and Robeson, type-writers, of Raleigh, North Carolina, be and they are hereby allowed the sum of six dollars and seventy five cents for services rendered the joint committee on printing, and the state treasurer is hereby directed to pay them said sum upon the warrant of the auditor.

SEC. 2. This resolution shall be in effect from and after its ratification.

Ratified the 8th day of March, A. D. 1899.

A resolution to pay funeral expenses of any member of this general assembly who may die at the Rex Hospital in the city of Raleigh.

*The General Assembly of North Carolina do enact :*

*Resolved by the Senate, the House concurring :*

That the sum of one hundred dollars is hereby set apart to defray the funeral expenses of any member of the general assembly who dies from sickness now suffering, and that the auditor issue his warrant for such expenses to the Rex Hospital in the city of Raleigh, and that the treasurer pay said warrant, not exceeding said amount.

Funeral expenses of deceased members ordered paid.

Ratified the 8th day of March, A. D. 1899.

Resolution supplemental to resolution one thousand six hundred and twelve, authorizing the speaker of the house of representatives to appoint four additional commissioners to represent the state of North Carolina at the Paris exposition of nineteen hundred.

*Resolved by the House of Representatives, the Senate concurring :*

That the speaker of the house of representatives be authorized and directed to appoint four (4) additional commissioners to represent the state at the Paris exposition of nineteen hundred, such commissioners to serve without compensation and upon the same terms and conditions as the commissioners provided for in resolution heretofore passed by this body.

Four additional commissioners at Paris exposition ordered appointed

Ratified the 8th day of March, A. D. 1899.

#### Resolution in favor of R. L. Cooper.

*Resolved by the House of Representatives, the Senate concurring :*

That the auditor be required to audit and the treasurer to pay R. L. Cooper the sum of twelve dollars for three days' attendance as a witness before the judiciary committee in the impeachment proceedings against W. L. Norwood.

Certain sum ordered paid R. L. Cooper.

Ratified the 8th day of March, A. D. 1899.

#### Resolution endorsing Pickford Sanitarium.

*Resolved by the House of Representatives, the Senate concurring :*

WHEREAS, consumption is annually increasing among the negro population in North Carolina and is recognized by the state board of health and the medical profession in general as being greatly contagious and therefore it threatens the public health and happiness; and

Preamble

WHEREAS, the Pickford Sanitarium, a charitable institution, established at Southern Pines, Moore county, North Carolina, for the care and treatment of consumptive negroes, being, so far as we know, the only institution of the kind in the state for the negro, and therefore serving the public in that it not only treats and cares for the sick, but isolates the disease from the public; therefore be it

Pickford Sanitarium indorsed.

*Resolved*, that the general assembly of North Carolina now in regular session in the city of Raleigh, do hereby indorse and commend the effort that the said Pickford Sanitarium is making to help this class of unfortunate citizens.

Ratified the 8th day of March, A. D. 1899.

*Resolved by the House of Representatives, the Senate concurring:*

Time fixed for election of trustees of A. and M. College at Greensboro.

That at nine o'clock p. m. to-day the general assembly proceed to elect trustees for the Agricultural and Mechanical College for the colored race at Greensboro.

Ratified the 8th day of March, A. D. 1899.

*Resolved by the Senate, the House of Representatives concurring:*

Extra allowance to laborers and clerks.

That the laborers and clerks employed by this general assembly at the present session be paid five dollars each in addition to their regular per diem as remuneration for the great amount of night work done by them during the last weeks of the session.

Ratified the 8th day of March, A. D. 1899.

*Resolved by the House of Representatives, the Senate concurring:*

Time fixed for election of certain officers.

Railroad commissioners.

Commissioner of agriculture.

Directors of agricultural department.

Trustees of A. and M. College.

That the general assembly proceed to the election of the following officers on the day and at the hour named, viz:

1. Two railroad commissioners (one to be chairman)—Monday March sixth, eighteen hundred and ninety-nine at nine-thirty a. m.

2. One commissioner of agriculture—Monday March sixth, eighteen hundred and ninety-nine, at nine-thirty-five a. m.

3. Directors of the agricultural department—Monday, March sixth, eighteen hundred and ninety-nine, at nine-forty a. m.

4. Trustees of the North Carolina College of Agriculture and Mechanic Arts—Monday March sixth, eighteen hundred and ninety-nine, at nine-forty-five a. m.

5. Commissioner of the bureau of labor and printing—March sixth, eighteen hundred and ninety-nine, at nine-fifty a. m. Commissioner of labor and printing.

And that two tellers be named on the part of each house to conduct said election.

Ratified the 8th day of March, A. D. 1899.

**Resolution to pay M. S. Calvert thirteen dollars and fifty one-hundredth dollars for typewriting.**

*Resolved by the House of Representatives, the Senate concurring:*

That the auditor be and is hereby directed to issue to M. S. Calvert his warrant for thirteen and fifty one hundredth dollars and that the state treasurer be and is hereby authorized and directed to pay the same, the above mentioned amount being due M. S. Calvert as stenographer and typewriter in preparing the school law. \$13.50 ordered paid M. S. Calvert.

Ratified the 8th day of March, A. D. 1899.

**Resolved to pay Royall & Borden Furniture Company.**

*Resolved by the House of Representatives, the Senate concurring:*

SECTION 1. That the public treasurer upon proper warrant pay Royall & Borden Furniture Company fifty-seven and fifty one hundredth dollars for furniture, etc., furnished the house. \$57.50 ordered paid Royall and Borden Furniture Company.

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

Ratified the 8th day of March, A. D. 1899.

**Resolution in favor of W. Cooper, fireman in supreme court building.**

*Resolved by the House of Representatives, the Senate concurring:*

That the auditor be and he is hereby directed to draw his warrant on the treasurer of North Carolina in favor of W. Cooper for the sum of forty dollars for services rendered this general assembly. \$40 ordered paid W. Cooper.

Ratified the 8th day of March, A. D. 1899.

**A resolution to pay J. B. Smith for necessary expenses.**

*Be it resolved by the Senate, the House of Representatives concurring:*

\$11.20 ordered  
paid J. B. Smith.

That the auditor of the state is hereby authorized to issue his warrant upon the treasurer of the state in favor of J. B. Smith for the sum of eleven dollars and twenty cents, the same being amounts paid out by him for necessary expenses as sergeant-at-arms of the senate.

Ratified the 8th day of March, A. D. 1899.

**Resolution in regard to public printing.**

*The House of Representatives, the Senate concurring, do resolve:*

Form of contract  
for public print-  
ing.

That the printing committee appointed by this general assembly be authorized to enter into a contract for the public printing in the form following, to wit:

This agreement, made and entered into this the \_\_\_\_\_ day of March, eighteen hundred and ninety-nine, by and between the state of North Carolina, through the joint committee on printing of the general assembly of the one part, said committee being thereto duly authorized by law, and Edwards & Broughton, a firm composed of C. B. Edwards and N. B. Broughton, and doing business in the city of Raleigh, said state, and E. M. Uzzell, also of said city of Raleigh, of the other part,

Undertaking by  
Edwards & Broughton  
and  
E. M. Uzzell.

Witnesseth: That the said Edwards & Broughton, and E. M. Uzzell, hereby undertake and agree, upon the terms and conditions named in this contract, and at the prices hereinafter set forth or provided for, accurately, promptly and in good time and in a first-class, workmanlike manner, to do all the public printing, binding, job work, and all other similar work required and allowed by law to be done during the term of one year, ten months and fifteen days from the date of this contract by the said state of North Carolina and for all the departments and sub-departments and the penal and charitable institutions thereof, and to deliver the same in the city of Raleigh to the proper officers or departments, without cost of freight, expressage, drayage or charges of any kind to said state other than those set forth or provided for in this contract.

Consideration by  
state of North  
Carolina.

And in consideration thereof the said state of North Carolina, through said joint committee on printing, agrees that, upon the conditions named in this contract and at the prices hereinafter set out or provided for, all printing, binding, job work and all other similar work required and allowed by law to be done during said term of one year, ten months and fifteen days from the

date of this contract for said state and its departments, sub-departments and penal and charitable institutions, shall be done by the said Edwards & Broughton, and E. M. Uzzell, and the same shall be paid for at the prices hereinafter named or provided for and none other, and in the manner herein named and provided for, which said prices shall constitute the entire compensation of said Edwards & Broughton, and E. M. Uzzell, for doing all printing, binding, job work, and all other work necessary to be done by law or by the terms of this contract in connection with the public printing, including all cutting and trimming of paper, wrapping, packing and otherwise handling and distributing any and all of said work before and after the same is done up to the delivery thereof, as provided for in this contract, to the proper officers or departments.

Work by whom to be done.

It is understood and agreed that all bills against the state for said printing shall be made out and charged by the "quad em" and "token," except those for the job work, which shall be made out and charged as hereinafter specially set forth, and those for the binding shall be made out and charged per volume; and said bills and all other bills for work done under the provisions of this contract, before being audited and paid, shall be approved by the commissioner of labor and printing of said state, who shall, before approval, impartially examine the printing, binding and other work and determine both the manner of its execution and the correctness of the accounts rendered for the same; and if said commissioner of labor and printing shall ascertain that any of said printing or binding, or other work done under the provisions of this contract, are not done in the manner required by law or called for by this contract, then he may reject the same and decline to approve said bills or accounts; or, in lieu of complete rejection, he may deduct from said bills or accounts such sum or sums as he shall deem just and proper to be deducted therefrom for such failure.

Bills, how charged and made out.

Bills for printing, by whom approved.

Commissioner may reject bills and refuse to approve same.

Said Edwards & Broughton, and E. M. Uzzell, in printing the reports of the state officers and of the various state departments and penal and charitable institutions, shall print of said reports the number of copies necessary for binding in the public documents, making the necessary changes in the heads and folios of said reports, and for the copies so required for the public documents said Edwards & Broughton, and E. M. Uzzell, shall be paid, in addition to the press work, only for changing the heads and folios aforesaid such amount as said commissioner of labor and printing may allow therefor.

Printing reports of state officers, state departments, etc.

Said state of North Carolina shall furnish and deliver to said Edwards & Broughton, and E. M. Uzzell, at their places of business in the city of Raleigh, free of cost and expense, all paper of every kind (that for binding excepted) needed for use in doing

State shall furnish certain paper.

the public printing and job work aforesaid.

Said Edwards & Broughton, and E. M. Uzzell, shall furnish free of cost to the state, except the prices allowed for binding, all material of every kind needed for use in doing all the binding called for by this contract.

Quarterly report  
by public printers  
to commissioner.

Said Edwards & Broughton, and E. M. Uzzell, shall make to said commissioner of labor and printing each quarter during the term of this contract, commencing April first, eighteen hundred and ninety-nine, a written report, showing the amount of each quality and kind of paper that has been used during the preceding quarter in doing the public printing, and the amount of each quality and kind that may be on hand at the time of making such report.

Public printers  
agree to store  
and care for  
paper, etc.

Said Edwards & Broughton, and E. M. Uzzell, agree to receive, store and properly care for, free of cost to said state and honestly and faithfully use and account for, all paper and material of every kind, valuable manuscripts, books, original copies, and all other articles and things of value that may be delivered them for use in doing any of the public printing or other work provided for in this contract, and to promptly return such manuscripts, books, original copies and other articles or things of value to the proper officers or departments of said state, or of its penal or charitable institutions, and at the termination of this contract to promptly and faithfully account for and turn over to the proper authorities aforesaid all paper, material of every kind, valuable manuscripts, original copies, books and other articles or things of value that may be on hand and belonging to said state or to any of its said departments or institutions.

Printing of  
supreme court  
reports.

It is understood and agreed that in printing the supreme court reports the said Edwards & Broughton, and E. M. Uzzell, shall print, bind and deliver the said reports to the secretary of state within ninety days from the time the manuscripts or original copies of such reports are turned over to said Edwards & Broughton, and E. M. Uzzell, for printing; and for failure to so deliver there shall be deducted by the commissioner of labor and printing from the bills or accounts rendered by them for said work the sum of twenty five dollars per day for each and every day's delay after said ninety days which said sum is hereby agreed upon and stipulated and fixed as liquidated damages, in lieu of all actual damages, and for all inconvenience and annoyance that may be caused by such delay.

Deduction for  
failure to deliver  
at time specified.

Delivery of pub-  
lic laws, docu-  
ments, etc.

It is further understood and agreed that said Edwards & Broughton, and E. M. Uzzell, shall have all the copies of the laws, documents and journals printed and bound (which are required to be bound under this contract or by law) and delivered to the secretary of state within ninety days after the adjournment of the present session of the general assembly, and for fail-

ure to do so there shall be deducted by said commissioner of labor and printing from the bills or accounts rendered by them for said work the sum of fifty dollars for each and every day's delay thereafter, which said sum is hereby agreed upon and stipulated and fixed as liquidated damages, in lieu of all actual damages, and for all inconvenience and annoyance caused by such delay.

Deduction for future to be liver by time specified.

The prices agreed upon and fixed or otherwise provided for in this contract for doing said printing and other work are as follows:

Prices agreed upon.

For every one thousand ems of plain composition, thirty cents; for every one thousand ems of rule and figure work sixty cents; for every token of two hundred and forty impressions of sixteen pages of press work, twenty cents; for law-sheep binding, fifty cents per volume of six hundred pages; for half binding, twenty cents per volume of six hundred pages; for every forty eight pages over six hundred in said volume, one cent per volume.

Plain composition.

Law sheep binding.

And it is understood that the foregoing prices apply only to the following classes of work, to wit: To the composition and press work and binding of the public and private laws, documents, journals, supreme court reports, pamphlets of all kinds, including all copies for circulation of such laws as are required or allowed by law to be sent out and circulated, and the reports of all officers of the state and of the various departments, and the penal and charitable institutions thereof. All other printing and press work and other similar work called for by the provisions of this contract is hereby classed and fixed as job work, and shall be charged and paid for as follows: The charges for setting type for each and every job of such work shall be computed at thirty cents per hour for the time taken by the compositor in setting or arranging said job, and the time to be allowed the said compositor in doing said work shall be on the basis of the actual time in which a first-class journeyman printer could do said work in doing honest, faithful and prompt work, which said price of thirty cents shall also pay for the distribution of said work. The press-work on all of said job work shall be charged for at the rate of eighty cents for each one thousand impressions.

Half binding. Classes of work to which foregoing prices apply.

Job work, prices for.

For press work.

For doing any other kinds of job work, the prices for which are not herein specified, the amount to be charged and allowed therefor shall be at the usual customary rates charged by printers for such work, to be approved by said commissioner of labor and printing as required by law.

It is further understood that whenever one or more duplicates of any job work can and may be printed at the same impression, the charges for the press-work thereon shall be computed at twenty cents per token for each two hundred and forty sheets run through the press.

When duplicates of work are printed.

Printing to be done with type of standard size.

It is particularly understood and agreed that all printing done under the provisions of this contract is to be done with type of standard size and face to insure first class work, as may be designated by the head of each department, sub-department, penal and charitable institution except as herein specifically called for. The senate and house journals and documents (except tabular or rule and figure work) are to be set in leaded small pica type, each page to be twenty three pica ems wide and forty-two pica ems long, including head and foot lines. The text of the public and private laws is to be set in leaded brevier type, each page to be twenty-two pica ems wide and forty-three pica ems long, and the side notes to be set in nonpareil type, five pica ems wide, and separated from the text by a three to pica lead. The text of the supreme court reports (not reprints) is to be set in leaded small pica type, and the index and syllabus thereof to be set in leaded brevier, the width and length of the pages to be the same as those of the reports printed during the past two years.

Public and private laws, how set, etc.

Power and authority of commissioner of printing.

It is further understood and agreed that, in addition to all the provisions and requirements of this contract, the said Edwards & Broughton, and E. M. Uzzell, are to do and perform all acts and things, duties and obligations required by law to be done and performed in connection with said public printing, and in the manner and form required by law, and that the said commissioner of labor and printing shall have not only such power, authority and jurisdiction as are herein provided for, but also such as are given him by law.

In witness whereof, said C. B. Edwards and N. B. Broughton, the members of said firm of Edwards & Broughton, and said E. M. Uzzell, have hereto set their hands and affixed their seals, and the said joint committee have hereto signed their names, the day and year first above written.

----- [Seal.]  
----- [Seal.]  
----- [Seal.]

Witness: -----

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Senate Branch of Committee.

Witness: -----

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House Branch of Committee.

Witness: -----

Ratified the 8th day of March, A. D. 1899.

## Resolution regarding the bureau of labor and printing.

*Resolved by the House of Representatives, the Senate concurring :*

SECTION 1. That the general assembly of North Carolina proceed to the election of a commissioner of the bureau of labor and printing at eight and one-half o'clock to-day, and that in said election tellers be appointed in the house and the senate, who shall meet immediately after the vote is taken and make up their report, which shall be made to and spread upon the journals of each house, and the result of such election shall be declared by the presiding officer of each house.

Time fixed for election of commissioner of labor and printing.

That this resolution shall be in force from and after its adoption.

Ratified the 8th day of March, A. D. 1899.

STATE OF NORTH CAROLINA,

OFFICE OF SECRETARY OF STATE,

RALEIGH, April 28th, 1899.

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.*

INDEX  
TO THE  
PUBLIC LAWS.  
SESSION 1899.

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A

	PAGE.
ABSTRACT OF TAX LIST:	
To be forwarded to auditor by register of deeds; what to contain,	73
ACTIONS:	
To recover real estate sold for taxes,	95
In civil actions when issues of fact are fixed and defendant moves for dismissal of action,	263
ADMINISTRATORS:	
To list property of his intestate,	66
When to list property,	67
May include amount paid bonding company in lawful expenses,	136
ADULTERATED FOOD:	
Act to prevent sale of,	216-220
AD VALOREM TAX:	
Amount on each one hundred dollars, real and personal property,	35
Limitations of municipalities,	35
Subject to exemptions,	35
How applied,	35
Subjects taxed,	35
ADVERTISEMENT:	
List-taker shall notify by advertisement,	66
Of sale of real estate for taxes,	84
AFFIDAVIT:	
Of list-takers and assessors, form of,	65
AGENTS:	
Shall have lien on property assessed against them,	76
AGRICULTURAL AND MECHANICAL COLLEGE:	
Investigation of, at Greensboro,	134
Management and control of,	509
Election of trustees of, for colored race,	543
Time for meeting of trustees for Agricultural and Mechanical College at Greensboro,	793
Two thousand five hundred dollars loaned to, for sewerage,	890

	PAGE.
<b>AGRICULTURAL DEPARTMENT:</b>	
Appointment of committee of investigation of,	125
Right of commissioners to contract for buildings withdrawn,	140
Reorganization of,	526-533
Right of commissioners to contract for buildings.	584
Committee appointed to investigate,	855
J. W. Bailey elected member of board,	897
<b>AGRICULTURAL LIEN:</b>	
Short form of lien and chattel mortgage,	107
Short form of, for certain counties,	367
Supplemental act,	590
<b>ALAMANCE COUNTY:</b>	
School directors of,	27
Short form of agricultural lien applies to,	109
Exempt from provisions of act relating to barbwire fences,	139
Fishing, etc., without permission of owner of lands,	195
Police powers conferred on deputies at Haw River,	317
Boundary line of Graham township changed,	475
Prohibition within three miles of Holt's chapel,	476
Justices of the peace appointed for.	698
Additions to pension roll of,	864
Commissioners authorized to issue bonds for road improvements,	764
Public road law for,	775-786
Act relating to May term of court amended,	867
Use of wide tires on roads encouraged,	897
<b>ALBEMARLE:</b>	
Graded schools for,	405-408
<b>ALBEMARLE SOUND:</b>	
Regulations concerning fishing in,	137
Amendment to,	136
Relative to fishing in,	263
Relative to fishing in,	445
Relative to fishing in,	558
<b>ALEXANDER COUNTY:</b>	
School directors of,	27
Hunting without written permission of owner, unlawful,	432
Soldiers pensioned,	549
Special tax for jail and court-house,	560
Public road law for,	775-786
Time of holding court changed,	796
Additions to pension roll of,	804
Sale of liquor within two miles of Concord Baptist church prohibited,	892
<b>ALLEGHANY COUNTY:</b>	
School directors of,	27
Relative to fishing in Bledsoe creek,	29

	PAGE.
<b>ALLEGHANY COUNTY—CONTINUED.</b>	
Short form of agricultural lien applies to,	109
Boundary line of, changed,	235
Shooting of guns in Sparta, unlawful,	250
Public road law of,	419-430
Commissioners authorized to levy special tax,	448
Justices of the peace appointed for,	698
Establishment of public road through,	708
Whitehead township created,	761
County line between Alleghany and Wilkes counties established,	763
Time for holding court in,	796
Act for protection of foxes,	867
William Gambill authorized to collect tax arrears,	877
New school district created,	892
<b>ALLISON, R. F.:</b>	
Commissioners of Jackson county authorized to settle with Allison and sureties,	476
<b>AMENDMENT, CONSTITUTIONAL: (See CONSTITUTIONAL AMENDMENT.)</b>	
<b>ANDERSON, ALBERT:</b>	
Appointed trustee of Wilson graded school,	391
<b>ANSON COUNTY:</b>	
School directors of,	27
Improvement of roads in,	249
Act relative to cotton weighers in,	267
Act relating to working of public roads,	275
Improvement of roads in,	281-290
Working roads with convicts,	319
Fee of clerk for registering crop lien,	392
Special tax authorized,	434
Ex-Confederate soldiers pensioned,	549
William P. Ledbetter appointed deputy clerk of court,	567
Certain relief for John C. McLaughlin,	585
Ferry across Rocky river,	802
Act for relief of John C. McLaughlin, clerk of court,	819
<b>APPEALS:</b>	
From mayor's court; proving ordinances,	414
<b>APPRAISERS:</b>	
Railroad commissioners constituted board of,	81
<b>APPROPRIATIONS:</b>	
(This does not include regular appropriations, but only miscellaneous ones.)	
For incidental expenses of State's Prison,	475
For State Normal and Industrial College,	688
For Vance Monument Association,	766
For waterworks and sewerage at the University,	813

## APPROPRIATIONS—CONTINUED.

PAGE.

Of one hundred thousand dollars for public schools,	836
For Institution for Deaf, Dumb and Blind,	850
For Soldiers Home,	896
ASHE COUNTY: .	
School directors of,	27
Agricultural lien. short form of, for,	109
Boundary line of, changed,	235
Shooting guns in Jefferson,	250
School claim ordered paid,	338
Boundary line of certain townships changed,	408
Public road law for,	419-430
Toll gate established on Mulberry Gap road,	482
Commissioners ordered to levy special tax,	500
School district created,	587
Laying out of certain road through, ordered,	709
Certain school claims ordered paid,	766
Time for holding courts in,	749
Additions to pension roll of,	804
Act for laying out road from Wilkes to Ashe counties,	871
Thomas K. Miller authorized to collect tax arrears,	877
ASSESSMENT: (See LIST-TAKERS AND ASSESSORS.)	
ASSIGNMENT:	
Of tax sale certificate by county,	97
ASYLUMS: (See also INSANE.)	
Orphan, property of, exempt from taxation,	71
ATLANTIC COAST LINE: (See CORPORATIONS.)	
ATLANTIC HOTEL:	
Permission granted to sell whiskey in,	691
ATTACHMENT:	
By sheriff for taxes,	63
Form for, in garnishment proceedings,	63
ATTORNEY-GENERAL:	
Recovery of penalty by, against registrars, judges and others derelict in duty,	675
AUDITOR, STATE:	
Sewing machine license countersigned by,	43
Shall examine annual statements of telegraph, telephone and express companies, .	49
Shall lay information before railroad commissioners,	51
No headings to blanks required to be furnished,	60
May reject returns of sheriffs when defective,	61
Shall furnish list of stockholders in banks to sheriffs,	67
Preparation of forms used in listing property,	71

## AUDITOR, STATE—CONTINUED.

PAGE.

Shall give sheriffs warrant for amount of overcharges,	74
Information to be furnished solicitor of default of clerk of commissioners,	76
List takers shall send statement of railroads to,	82
Shall credit counties with insolvent taxes,	94
Shall give sheriff statement embracing subjects of taxation.	102
When sheriffs fail to settle within prescribed time, duty of,	102, 103
Shall prepare necessary blank forms for county commissioners,	106
Authorized to turn over certain papers to Corporation Commission.	295
Ordered to draw warrants in favor of State's Prison directors,	339
Amount allowed for extra clerical assistance reduced,	571
Shall make out warrant to members of state board of elections,	660
Authorized to draw warrant in favor of Festus Miller and Thos. Campen	889
Shall give Agricultural and Mechanical College warrant for two thousand five hundred dollars,	890
Authorized to issue warrant in favor of L. A. Garner and M. A. Hill,	894

## B

## BACHELOR'S BAY:

Fishing in,	445
Fishing in, regulations concerning,	558

## BAILEY, J. W.:

Appointed a member of the board of agriculture,	897
---	-----

## BANKRUPTS:

Promises to pay debts shall be in writing,	192
--	-----

## BANKS AND BANK STOCK:

Tax on stock to be paid to state treasurer,	45
Failure to pay tax, penalty,	46
Regulations for listing stock,	67, 68
Listing of property of savings banks,	79
Assessment of stock,	80
In whose name listed,	80
Unincorporated banks, by whom listed,	80
Definition of,	96

## BATH CREEK:

Fishing in creek and tributaries,	551
-----------------------------------	-----

## BATTLE, GASTON:

Appointed justice of the peace,	330
---------------------------------	-----

## BEAUFORT COUNTY:

School directors of,	27
Short form of agricultural lien applies to,	109
Relative to oyster industry in,	110
Exempted from provisions of act relating to cutting mill logs.	233
Commissioners authorized to levy special tax,	535
Publication of county exhibit optional,	563
Certain stock law fence,	567

	PAGE.
<b>BEAUFORT COUNTY—CONTINUED.</b>	
Runyon creek a lawful fence,	572
Commissioners authorized to issue bonds, etc.,	651
Justices of the peace appointed for,	698
Signs to be posted at bridges,	721
Public road law for,	775-786
Justices of peace appointed for,	789
Relative to fences in,	793
Additions to pension roll of,	804
<b>BEAVER DAM TOWNSHIP:</b>	
Act creating said township repealed,	828
<b>BELL, CAPT. W. T. R.:</b>	
School claim ordered paid to,	348
<b>BEAUFORT AND PAMLICO RAILROAD COMPANY:</b>	
Incorporation of,	202-206
<b>BERTIE COUNTY:</b>	
School directors of,	87
Fishing in Albemarle sound,	138
Clerk of court may absent himself on certain days,	201
To confer jurisdiction of probate of deeds in,	202
Exempted from provisions of act relating to cutting mill logs,	233
Commissioners authorized to issue bonds,	278
Fees for registering crop liens in,	442
Relating to appointment of justices of the peace,	546
Act to restore good government to,	641
Time for holding spring term of court,	644
Time for holding municipal election at Windsor,	650
Justices of the peace appointed for,	698
Public road law for,	775-786
Additions to pension roll of,	804
Act relative to spring term of court,	887
<b>BICYCLE DEALERS:</b>	
Tax on,	57
<b>BILLIARD TABLES:</b>	
Tax on,	38
<b>BIG FLATTY CREEK:</b>	
Fishing in, regulations concerning,	552
<b>BIG SUGAR CREEK:</b>	
Repeal of act relating to drainage of,	215
<b>BLADEN COUNTY:</b>	
School directors of,	27
Short form of agricultural lien, applies to,	109
Exempt from provisions of act relating to barb wire fences,	139
Exempt from provisions of act relating to barb wire fences,	346

	PAGE.
BLADEN COUNTY—CONTINUED.	
Dispensary for, abolished,	394
Fishing law for, amended,	473
Stock law in White Oak township,	485
Justices of the peace appointed for,	698
Public road law for,	775-786
Additions to pension roll of,	804
Time for holding court,	844
BLED SOE CREEK:	
Protection of fish in,	29
BLIND INSTITUTION FOR: (See also DEAF, DUMB AND BLIND.)	
Inscription on corner-stone ordered changed,	196
For better government of,	446
BOARD OF AGRICULTURE: (See AGRICULTURAL DEPARTMENT.)	
BOARD OF EDUCATION:	
Abolition of,	146
BOARD OF INTERNAL IMPROVEMENTS: (See INTERNAL IMPROVEMENT BOARD.)	
BOARD OF PUBLIC BUILDINGS: (See PUBLIC BUILDINGS, BOARD OF.)	
BOARD OF EQUALIZATION:	
Of whom composed,	65
Duties of,	65
BONDS: (For bonds by cities and towns see PRIVATE ACTS.)	
Elizabeth City authorized to issue,	245
Clay county authorized to issue,	248
By Durham for school purposes,	251
Of officers in surety companies,	264
By commissioners of Bertie county,	278
By Wadesboro township, Anson county, for road improvements,	281-290
By commissioners of Rockingham county,	361
By commissioners of Moore county,	369
By commissioners of New Hanover county for road improvements,	381
By town of Albemarle for graded schools,	405
By Raleigh township for school purposes,	463
By Dobson, Surry county, for school purposes,	465-468
By commissioners of Swain county,	485
Act relating to Mitchell county bonds, repealed,	558
By commissioners of Person county,	579
By Monroe township, Union county,	593
By town of Waynesville for lights,	629-634
By commissioners of Cabarrus county,	642
By commissioners of Beaufort county,	651
By commissioners of Caldwell county,	654
By Mount Airy township, Surry county,	710
By commissioners of Halifax county,	725

	PAGE.
<b>BONDS—CONTINUED.</b>	
For road improvements by commissioners of Mecklenburg county,	756
By Murfreesboro township, Hertford county,	762
By commissioners of Alamance county for road improvements,	764
By commissioners of Orange county.	803
By state of North Carolina to pay off debts of State's Prison,	810
By Union county for funding current indebtedness,	834
<b>BOARDING-HOUSE KEEPERS :</b>	
Lien on baggage of boarders,	840
<b>BOWLING ALLEYS :</b>	
Tax on,	38
<b>BRAGG, S. D. :</b>	
Appointed justice of the peace,	330
<b>BRIDGES AND BRIDGE COMPANIES :</b>	
Toll bridges, tax on,	39
Listing of property,	79
Protection of bridge at Hertford,	327
Fast riding or driving over bridges in Pamlico county,	327
Protection of, in Clay county,	233
Reduction in toll rates of Brunswick Bridge and Ferry Company,	339
Building of, in Madison county,	375
Commissioners of Haywood county authorized to levy special tax for,	440
Across Ivy creek,	447
Across Tar river,	539
Across Catawba river in Burke county,	652
Signs to be posted at bridges in Beaufort county,	721
Bridge ordered built across Clark's creek, Montgomery county,	724
Fast riding or driving over bridges in Craven county a misdemeanor,	830
<b>BRITT, MISS MOLLIE V. :</b>	
School claim ordered paid to,	345
<b>BRITT'S TOWNSHIP :</b>	
Boundary line of, changed,	314
<b>BROTHERS AND SISTERS OF LOVE AND CHARITY :</b>	
Property of, exempt.	71
<b>BRUNSWICK COUNTY :</b>	
School directors of,	27
Short form of agricultural lien applies to,	109
Division of, in wreck districts,	209
Relief for Oscar Durant, late county treasurer,	331
Charges of Brunswick Bridge and Ferry Company,	340
Justices of the peace appointed for,	699
Promotion of cultivation of shell fish,	769-772
Probate and registration fees on crop liens,	773
Act relative to taking clams in,	774
Public road law for.	775-786
Additions to pension roll of,	804

	PAGE.
BRUNSWICK BRIDGE AND FERRY COMPANY :	
Reduction in toll rates,	339
New Hanover county authorized to purchase,	865
BRYSON CITY :	
Dispensary established at,	744
BUNCOMBE COUNTY :	
School directors of,	27
Short form of agricultural lien applies to,	109
Hunting without written consent of owner of lands, unlawful,	196
Land grant in, ordered corrected,	222
Act authorizing election of auditor repealed,	274
Salary of treasurer fixed,	349
Settlement of tax collector, time extended for,	409
Western district criminal court,	511
Relating to public schools of,	585
Time of holding superior court,	653
Justices of the peace appointed for,	698
Protection of cattle from splenetic fever,	730
Board of education, school committees, etc., abolished,	741
Additions to pension roll of,	804
Two instead of four days work required on public roads.	843
Time for sheriff to collect tax arrears extended,	844
State's Prison authorized to hire convicts to,	876
BURKE COUNTY :	
School directors of,	27
Short form of agricultural lien, applies to,	109
Western district criminal court,	511-517
Commissioners authorized to build bridge across Catawba river,	652
Justices of the peace appointed for,	698
Time for holding courts in,	794, 795
Additions to pension roll of,	804
Hunting without consent of owner of land unlawful,	844
BUILDING AND LOAN ASSOCIATIONS :	
Stock of, when and how listed,	36
Exempt from other taxes,	36
Tax, when and to whom payable,	36
Deductions allowed from stock,	36
Foreign companies, listing of stock for taxation,	69
Regulation of, by Corporation Commission,	294
C	
CABARRUS COUNTY :	
School directors of,	27
Time for holding court,	598
Commissioners authorized to issue bonds,	642

	PAGE.
<b>CABARRUS COUNTY—CONTINUED.</b>	
Justices of the peace appointed for,	699
Road law of, amended,	820
Act regulating courts of, amended,	838
Justice of the peace appointed for No. 10 township,	900
<b>CALDWELL COUNTY :</b>	
School directors of,	27
Western district criminal court,	511-517
Commissioners of, authorized to levy special tax,	564
Commissioners authorized to issue bonds, etc.,	654
Public road law for,	775-786
Time for holding courts in,	794, 795
Additions to pension roll of,	804
Killing of deer in, for six years, prohibited,	899
Protection of fish in,	901
<b>CALDWELL AND WATAUGA TURNPIKE COMPANY :</b>	
Certain road restored to,	443
<b>CAMDEN COUNTY :</b>	
School directors of,	27
Relative to schools in Court-house township,	251
Hunting in, by non-residents,	276
Protection of roads,	586
Commissioners authorized to levy special tax,	642
Fishing in Ramon's creek with certain nets allowed,	896
<b>CAMPBELL, D. B. :</b>	
Appointed a justice of the peace,	391
<b>CAMPEN, THOMAS :</b>	
Warrant ordered drawn in favor of,	889
<b>CANALS AND CANAL COMPANIES :</b>	
Assessment of, for taxation,	84
Regulation of, by Corporation Commission,	292
Liability of parties assessed to work on canals,	801
<b>CAPE FEAR RIVER :</b>	
Sluice ways to be provided in Harnett county,	648
<b>CARTERET COUNTY :</b>	
School directors of,	27
Short form of agricultural lien applies to,	109
Division of, in wreck districts,	209
Application of certain surplus funds,	408
Shooting wild fowl in,	575
Sale of liquor at Beaufort,	651
When county canvassers shall meet,	671
Time for holding courts of,	690
Additions to pension roll of,	804
Certain warrants ordered issued by auditor <sup>r</sup> d	894

	PAGE.
CASHIERS: (See BANKS.)	
CASWELL COUNTY :	
School directors of,	27
Short form of agricultural lien applies to,	109
Number of commissioners increased,	308
Presbyterian church at Yanceyville incorporated,	367
Treasurer authorized to pay certain school claims,	410
Additional justices of the peace appointed,	503
Relating to appointment of justices of the peace,	546
Commissioners authorized to levy special tax,	574
Act to restore good government to,	641
Additions to pension roll,	804
CATAWBA COUNTY :	
School directors of,	27
Short form of agricultural lien applies to,	109
Hunting on land without consent of owner, unlawful,	140
Drainage of lowlands in,	473
Public road law for,	775-786
Justices of the peace appointed for,	699
Time for holding courts in,	794, 795
Additions to pension roll of,	804
Act prohibiting sale of liquor near Mountain View M. E. church amended,	891
CATAWBA RIVER :	
Bridge authorized to be built across,	652
Relating to obstructions in,	714
CAUSES :	
Removal of from one court to another.	234
CENTRE PRESBYTERIAN CHURCH :	
Sale of liquors near, prohibited,	417
CERTIFICATES OF DEPOSIT :	
How listed for taxation.	70
CERTIFICATES OF TAX SALES :	
To be given purchaser of land sold for taxes,	86
Form of certificate,	86
Purchaser of more than one tract may have both included in one certificate,	86
Owner of certificate deemed owner of hen for taxes,	95
CHADBOURN TOWNSHIP :	
Public schools for.	608-611
CHAIN GANGS :	
Abolished in Madison county,	344
CHAPEL HILL SCHOOL DISTRICT :	
Act creating this district abolished,	290
CHARTERS :	
Concord charter amended,	538
Amendments to be attested to by secretary to clerk of court,	821

	PAGE.
CHATHAM COUNTY :	
School directors of,	27
Act relative to interest on taxes,	269
Stock law in,	462
Justices of the peace appointed for,	698
Convicts to work public roads,	755
Public road law for,	775-786
Additions to pension roll of,	804
CHATTEL MORTGAGES :	
Short form of,	107
CHEROKEE COUNTY :	
School directors of,	27
Working of roads,	318
Equalization board of,	325
Protection of mountain trout,	418
Felling timber in certain streams unlawful,	447
Treasurer of, ordered to pay school claim,	472
Time for holding court in, changed,	535
Certain tax lists paid for out of school funds,	578
Time for holding court,	652
Justices of the peace appointed for,	699
Protection of cattle from splenetic fever,	730
Additions to pension roll of,	804
Sale of liquor in, unlawful,	841
CHRISTMAS, MISS IDA :	
School claim ordered paid to,	557
CHOCOWINITY CREEK :	
Name changed to Chocowinity river,	62
CHOWAN COUNTY :	
School directors of,	27
Short form of agricultural lien applies to,	109
Fishing in Albemarle sound,	138
Appointment of justices of the peace,	546
Additions to pension roll of,	805
CHOWAN EDUCATIONAL ASSOCIATION :	
Incorporation of,	832
CHOWAN RIVER :	
Free ferry on, at Barfield,	275
CIGARS :	
Dealers in, tax on,	39
CIRCUSES :	
Tax per day,	38

	PAGE.
CITIES AND TOWNS: (See also PRIVATE ACTS.)	
Collection of taxes on unlisted property,	75
Can not remit taxes,	94
Mayor may purchase land sold for taxes,	98
May assign certificate of purchase,	98
CIVIL ACTIONS:	
Relative to trial of; when plaintiff has rested defendant may move to dismiss,	263
CLARK'S CREEK:	
Drainage of, in Lincoln county,	329
Bridge ordered built across,	724
CLAY COUNTY:	
School directors of,	27
Act establishing public schools at Hayesville repealed, — ✓ ✓ ✓	217
Protection of bridges in,	233
Commissioners authorized to issue bonds,	248
Relief for clerk of court,	275
Protection of mountain trout in,	418
Felling trees in certain streams unlawful,	447
Time for holding court in, changed,	535
Clerk of court furnished certain reports,	584
Time of holding superior court,	653
Protection of cattle from splenetic fever,	730
Additions to pension roll of,	805
CLAYTON:	
7 Dispensary established at,	411
CLERKS OF COURT:	
Duties of, in regard to insane persons,	7-27
Authorized to notify school directors of election,	29
Shall transmit to auditor copy of bond of register of deeds,	77
Shall revoke charter of corporations delinquent six months in taxes,	93
Shall transmit to auditor copy of bond of sheriff,	103
Fee for probating short form of agricultural lien and chattel mortgages,	108
For trial of title for office,	145
Clerk of Bertie county permitted to absent himself from office on certain days,	201, 202
Shall cross-index wills,	241
W. M. Watson, of Craven county, relief for,	273
Clerk of Clay county, relief for,	275
In relation to partition proceedings,	281
W. M. Watson, of Craven county, relief for,	320
Responsible for deputies in probate of certain instruments,	351
Probate of papers in which clerks are interested,	390
Fee for probating crop liens in Bertie, Hertford and Northampton counties,	442
Clerk of Gates county, relief for,	447

CLERKS OF COURT—CONTINUED.		PAGE.	
Clerk of Anson county, relief for,		585	
Clerk of Alleghany county, relief for,		658	
Clerk of Anson county, relief for,		819	
Secretary to, shall attest amendment to charter or letters patent of corporations,		820	
COAL AND WOOD DEALERS:			
License tax on,		57	
CODDLE CREEK TOWNSHIP:			
Improvement of roads,		733	
COLUMBUS COUNTY:			
School directors for,		27	
Short form of agricultural lien applies to,		367	
Sale of liquor prohibited near certain localities,		442	
Publication of county exhibit,		563	
Short form agricultural lien for, amended,		590	
Public schools in Chadbourn township,		608-611	
Dispensary at Whiteville,		615-621	
Supplemental school district in Washington avenue,		655	
Justices of the peace appointed for,		699	
Certain school claims ordered paid,		727	
Additions to pension roll of,		805	
COMMISSIONERS OF NAVIGATION:			
Appointment of, duties, etc.,		33	
CONCORD:			
Commissioners of graded schools, etc.,		570	
Charter of, amended,		588	
CONCORD BAPTIST CHURCH:			
Sale of liquor within two miles of, prohibited,		892	
CODE:			
The following sections of The Code altered, amended or repealed:			
SECTION.	PAGE.	SECTION.	PAGE.
2159	62	3437	121
2079	122	1285	124
3635	135	1333	138
2941	139	2155	191
2007, 2008, 2009, 2010, 2012	199	581, 583	199
38	201	114	201
3100	207	148, 163, 66	209
49	216	34	223
196, 197	234	616	256
3806	262	1906	281
1246, 104S, 1249	356	1268, 685	357
2301	359	2512, 2523	375
2524, 2525	375	3654	441

## CODE—CONTINUED.

SECTION.	PAGE.	SECTION.	PAGE.
2228	446	1308	547
2816	558	3445	586
657	614	17	641
2320, 3410	648	3797	649
3664	652	2122	722
2227, 2228	729	1815, 1818	729
3377	786	3623, 3639	824
3834	829	697, 698, 701	838
3417	845	3635	854
1722	901		
<b>CONGRESSIONAL DISTRICTS :</b>			
Seventh and eighth districts,			564
Of what counties congressional districts composed,			677
If representation is decreased,			678
<b>CONSTABLES :</b>			
Arrest of peddlers without license by,			42
Regulation of duties and powers,			309
<b>CONSTITUTIONAL AMENDMENT :</b>			
Qualifications of electors, etc.,			341-343
<b>CONTESTED ELECTIONS :</b>			
How determined,			675
<b>CONVICTS :</b>			
Good behavior of; diminution of sentence,			587
<b>CORPORATIONS : (See also BANKS, CITIES AND TOWNS, RAILROADS.)</b>			
Residence of a corporation for listing taxes,			68
Chief officer shall list stock, except banks,			68
Exemption from taxation in charters of, repealed,			36
Corporations exempted from taxation,			36
Property of, by whom listed,			67
Listing property of,			79
Foreign property of, how taxed,			83
Failure to pay tax, funds may be attached, charter forfeited,			93
Roanoke Railroad and Bridge Company chartered,			117
Act requiring officers of, to take oath, repealed,			119
State's Prison incorporated,			119
Charter of Fairfield Canal and Turnpike Company extended,			122
The African Aid and Burial Society of North Carolina chartered,			123
Consolidation of Richmond, Petersburg and Carolina Railroad Company,			127
Incorporation of South Carolina and Georgia Extension Railroad Company, of North Carolina, ratified and approved,			129
East Tennessee and Western North Carolina Railroad Company chartered,			141
Foreign corporations, how domesticated,			197
Duplin and Wayne Railway Company, charter of, amended,			198
Telephone companies,			199

## CORPORATIONS—CONTINUED.

	PAGE.
Beaufort and Pamlico Railroad Company,	202
North Carolina Industrial Association,	206
Atlantic Coast Line Railroad Company, of Virginia,	208
Caldwell and Watauga Turnpike Company,	443
Slater Industrial and State Normal School of Winston-Salem,	752
Moore's Creek Monumental Association,	789
Amendment to charter or letter patent, how certified,	820
Chowan Educational Association,	832

## CORPORATION COMMISSION :

Creation of, duties, etc.,	291-307
Election of, at general election,	291
Vacancies filled by board of internal improvements,	291
Commissioners shall not be interested in stocks, etc.,	292
Powers and duties of commissioners,	292-295
Agreements as to rates, between companies, submitted to commission,	295
Actions by, how entitled,	297
Quarterly reports to, by railroads,	297
Shall notify companies violating terms of act,	299
Witnesses summoned by, how subpoenaed,	300
May require separate accommodations at stations,	300
May allow certain special rates for development,	302
Investigation of accidents by,	305
Shall make annual reports to governor,	306
Salary of, office, etc.,	306
Given supervision of orphan asylums,	839
Authorized to assess property which has escaped taxation,	874
Appropriation for extra clerical assistance,	875

## COTTON WEIGHERS :

Election of, for Charlotte,	238
Office of, for Dunn abolished,	267
Relative to, in Anson county,	267
Appointment of, for Dunn,	269
For Edgecombe county,	277
Of Mooresville,	313
Election of, in Wayne county,	318
In Franklin County,	326
At Salisbury, mill men may weigh their own cotton.	360
Fees of, in Statesville,	433
Appointment of weigher for Enfield,	473
Election of, for Raleigh,	518
Cotton seed weigher for Franklinton,	562
For certain towns in Union county,	787

## COTTON AND COTTON BUYERS :

License tax on buyers,	58
Protection of buyer,	454

	PAGE.
CLEVELAND COUNTY:	
School directors of,	27
Obstructions in Ward's creek,	431
Placed in eighth congressional district,	564
Justices of the peace appointed for,	699
Sale of whiskey in Shelby except upon prescription, unlawful,	767
Public road law of,	775-786
Additions to pension roll of,	805
Public drunkenness a misdemeanor,	812
CLINTON:	
Dispensary established at,	477
Graded schools for,	498
CLOCKS:	
Itinerant dealers in, tax on,	45
CLUBS:	
Selling liquor, license tax,	46
COTTON COMPRESSES:	
License tax on,	58
COUNTY BOARD OF SCHOOL DIRECTORS:	
Appointment of,	27
COUNTY TREASURER:	
Settlement with sheriff,	103, 104
Shall give notice of settlement with other officers,	105
COVERTURE: (See MARRIED WOMEN.)	
COUNTIES, CITIES AND TOWNS:	
Scotland county organized,	256-262
Relative to government of cities and towns,	262
(For CITIES AND TOWNS, see PRIVATE ACTS.)	
COUNTY COMMISSIONERS:	
Duties of, in regard to insane persons,	8-27
Assessment of bank stock by,	35
May examine merchants' books,	41
Issuance of license to peddlers by,	42
May exempt poor and infirm from peddlers tax,	43
In granting liquor dealers license,	46
Appointment of list-takers by,	64
When tax list revised by,	73
Shall hear complaints to valuation of property,	73
When objection to valuation after settlement of sheriff,	73
Chairman of, shall examine tax list,	74
Omissions in entering land on tax list,	74, 75
Shall compensate clerk for computing taxes,	76
Apportionment of divided property,	77

## COUNTY COMMISSIONERS—CONTINUED.

	PAGE.
Examination by, of sheriff's bond,	77
Shall record list of insolvent taxpayers,	79
May correct error in assessments,	96, 97
May purchase real estate at tax sales for counties,	97
Shall forward to auditor report of amount due from sheriff,	103
May extend time of settlement with sheriff,	103
Appointment of committee to be present at settlement of sheriff,	104
May bring action against sheriff in superior court,	105
Number in Perquimans county increased,	220
Chairman of, may administer oaths in certain cases,	221
Number in New Hanover county increased,	234-
Number in Jones county increased,	268-
Number in Hertford county increased,	271-
Number in Edgecombe county increased,	274-
Number in Bertie county increased,	276-
Number in Craven county increased,	310-
Number of, in Caswell county increased,	308-
Number of, in Washington county increased,	310-
Authorized to revise jury list of New Hanover county,	314
Number of, in Rowan county increased,	320-
Commissioners appointed for Greene county,	362-
Number in Wake county increased,	437-
Number in Granville county increased,	440-
Number in Warren county increased,	470-
Number in Northampton county increased,	477-
Number in Forsyth county increased,	494-
Number in Lincoln county increased,	533-
Number in Johnston county increased,	593-
Number in Pamlico county increased,	613-
Number in Mecklenburg county increased,	813-
Authorized to fix compensation for making out tax list in Edgecombe county,	842
 COURTS: (See also CRIMINAL COURTS.)	
February term of Madison court abolished,	221
Time of holding court in Duplin county changed,	327
Criminal circuit court abolished,	434
Number of terms in Pasquotank county increased,	471
Time for holding court in Robeson county,	502
Time of, in Macon, Clay, Cherokee, Graham and Swain,	535
Of Union and Stanly counties,	540
In Randolph county,	571
Concurrent criminal jurisdiction restored to courts of Warren county,	573
Time of holding, in Wilson county changed,	581
Judgments by default at Durham court,	539
Time for, in Cabarrus and Montgomery counties,	598
Time for holding, in Franklin county changed,	613
Time for spring term in Bertie and Craven counties,	644

COURTS—CONTINUED.	PAGE.
Time of holding courts for twelfth district changed,	653
Removal of cases from one court to another not applicable to pending cases,	687
Time for holding, in sixth judicial district,	690
Additional terms for Cumberland county,	740
Time of February term for Craven county changed,	764
Time for holding, in tenth district regulated,	794
Time for holding, in ninth district regulated,	796
Vacancies in judicial department, how filled,	818
Act regulating Cabarrus and Montgomery courts amended,	838
Term of Vance county court abolished,	840
August term for Northampton county abolished,	842
Time for holding, in Biaden county,	844
Act relating to May term of Alamance court amended,	867
Relative to spring term of Bertie and Craven counties,	887
Act changing time of holding, in ninth district, amended,	892
 CRAVEN COUNTY :	
School directors of,	27
Short form of agricultural lien applies to,	109
For relief of W. M. Watson, clerk of the court,	273
Number of commissioners increased,	310
Act for better government of,	308
Vacancies in offices, how filled,	314
For relief of W. M. Watson, clerk of court,	320
Bonds of county officers,	332
Eastern district criminal court,	599-608
Act to restore good government to,	641
Time for holding spring term of court,	644
Additional justices of the peace appointed,	742
Time of holding February term of superior court changed,	764
Fast riding across bridges a misdemeanor,	830
Commissioners authorized to sell Nelson's ferry,	873
Stock law fence in number seven township shortened,	875
Commissioners authorized to set aside sinking fund to pay bridge debt,	8-6
Act relating to spring term of court,	887
 CREEKS AND RIVERS :	
Name of Chocowinity creek changed to Chocowinity river,	62
Setting nets in Black river,	62
Free passage of fish in Mingo creek,	207
Repeal of act relating to drainage of Big Sugar creek,	215
Lowlands of Muddy creek ordered drained,	236
Drainage of Lockhart's creek, Lincoln county,	254
Drainage of Clark's creek, Lincoln county,	329
Obstructions in Wade's creek, Cleveland county,	431
Act preventing felling trees in certain streams in Iredell county,	431
Obstruction of waters of Jonathan's creek,	436

CREEKS AND RIVERS—CONTINUED.	PAGE.
Obstruction of waters in Fishing creek,	455
Obstruction of waters in North river and Currituck sound,	455
Drainage of lowlands in Davie, Davidson, Rowan and Catawba counties,	473
Drainage of lowlands in Gaston and Lincoln counties,	534
Drainage of lowlands in Forsyth county,	537
Felling trees in streams in Clay and Cherokee counties,	447
Unlawful to throw sawdust in waters of Swain, Henderson, Madison and Transylvania counties,	584
Drainage of in Rutherford county,	590
Obstructions in Catawba river,	715
Dams on Walnut creek, deleterious to water, may be removed,	727
Drainage of Hominy swamp,	751
Unlawful to obstruct Rock creek in Lower Fork township,	845
Nantahala, Tennessee and Hiwassee rivers declared floatable,	884
CRIMINAL INSANE: (See INSANE.)	
CRIMINAL COURTS:	
Composed of counties of Buncombe, Madison, Haywood, Henderson and McDowell,	434
Spring term of for Nash county changed,	469
Western district criminal court established,	511-517
Eastern district criminal court established,	599-608
Circuit court composed of Buncombe, Madison, Haywood, Henderson and McDowell counties, abolished,	713
Act establishing western district criminal court amended,	796
For Northampton county,	841
CROATAN INDIANS: (See INDIANS.)	
CROP LIEN:	
Short form of,	107
Short form for certain counties,	367
Fee for registration.	392
Fee for registration and probation in certain counties,	442
CROSS CRFEK TOWNSHIP:	
Stock law in,	452
CROSS. W. T.:	
Allowed to absent himself from office on certain days,	447
CUMBERLAND COUNTY:	
School directors for,	27
Short form of agricultural lien applies to,	109
Free passage of fish in Mingo creek,	207
Dispensary law amended,	335
Justices of the peace appointed for,	391
Stock law territory,	452
Working of roads in,	488
Eastern district criminal court,	599-608

## CUMBERLAND COUNTY—CONTINUED.

	PAGE.
Stock law in certain portions of,	688
Justices of the peace appointed for,	699
Additional terms of superior court,	740
Additions to pension roll of,	805
Lower Little river declared a lawful fence,	874

## CURIOSITIES :

Tax on,	38
When exempted,	38

## CURRITUCK COUNTY :

School directors of,	27
Division of, in wreck districts,	209-213
Hunting law amended,	364
Sale of wine, etc., in Poplar Branch township,	436
Obstruction of North river and Currituck sound	455
Justices of the peace appointed for,	699
Public road law of,	775-786

## CURRITUCK SOUND :

Appointment of game-keepers for,	363
Hunting regulations for,	365
Obstruction of waters of,	455

## D

## DARE COUNTY :

School directors of,	27
Division of, in wreck districts,	209
Shooting of wild fowl in,	264
When county canvassers shall meet,	671
Public drunkenness a misdemeanor,	837

## DAVIDSON COUNTY :

School directors of,	27
Lowlands of Muldy creek ordered drained,	236-238
Regulations for hunting in,	331
Dispensary for Lexington to be voted on,	449
Drainage of lowlands in,	473
Road law for Lexington township,	521-525
Bounty by. for hawk scalps,	566
Justices of the peace appointed for,	699
Justices of the peace appointed for,	846

## DAVIE COUNTY :

School directors of,	27
Short form of agricultural lien applies to,	103
Exempt from provisions of certain barb wire fence act,	346
Drainage of lowlands in,	473
Placed in seventh congressional district,	564

	PAGE.
DAVIE COUNTY—CONTINUED.	
Justices of the peace appointed for,	700
Time for holding court in,	796
Additions to pension roll of,	805
DEAD BODIES:	
Act providing for procuring and distributing, for medical science, repealed.	32
DEAF AND DUMB SCHOOL:	
Vacancies among directors,	224
For better government of,	446
Number of board of trustees increased,	729
Special appropriation for,	850
Annual appropriation for,	868
DEANS, A. B.:	
Appointed trustee of Wilson graded school.	391
DEBT, STATE:	
Time for settlement of, etc., extended,	542
DEEDS:	
When land sold for taxes,	88
When to be given,	88
Form of deed for land sold for taxes,	89
Jurisdiction of probate of, extended to Bertie county,	202
Registration of deeds, how proven and acknowledged,	350
Clerks of court responsible for acts of deputies,	351
When certificate of. is acknowledged before a justice of the peace,	351
Officials authorized to take examination of married women,	352
DEFINITIONS:	
Of terms used in machinery act,	96
DENTISTS:	
License tax on,	48
DEPUTY SHERIFFS:	
When collecting for sheriffs shall take oath,	77
Failure to pay over taxes, misdemeanor,	78
Police power conferred on, at Haw River,	317
DELLINGER, S. D.:	
School claim ordered paid to,	418
DISABILITIES:	
Of married women; law relating to, amended,	209
DISMISSAL OF COMPLAINTS:	
When in civil actions, matters of fact on trial, motion by defendant,	155
DIVORCE:	
Absolute, for ill treatment by husband in other states,	124
Abandonment by husband one year, cause of divorce,	337

DISPENSARIES :	PAGE.
Annual tax on,	47
Established at Smithfield,	228
Established at Jackson,	321
Fayetteville dispensary law amended,	335
Established at Greensboro,	376
Act establishing dispensary for Bladen county repealed,	394
Established at Madison,	401
Rutherfordton dispensary act amended,	409
Established at Clayton,	411
Submitted to voters of Lexington,	449
Established at Franklin, Macon county,	457
Established at Clinton, Sampson county,	477
Established at Seaboard, Northampton county,	504
Established at Whiteville, Columbus county,	615
Established at Warrenton, Warren county,	622
Union county dispensary act amended,	646
Ordered submitted to voters of Morganton,	649
Established at Bryson City,	744
Established at Selma,	757
Established in Bethel township, Pitt county,	859
Certain amount from, in Johnston county, ordered paid into school funds,	895
DOWER :	
When widow has removed from county where deceased husband resided, application for,	722
DOBSON :	
Authorized to issue bonds for schools,	465
DRUGGISTS :	
Shall obtain license to deal in liquor,	41
DRUNKENNESS :	
Prevention of, in Graham county,	220
Madison county included in provisions of certain act,	333
Penalty for, prescribed,	333
In certain localities in Jackson county,	417
DUNN :	
Office of cotton weigher for, abolished,	267
Appointment of cotton weigher for,	269
DURANT, OSCAR :	
Relief for,	331
DUPLIN COUNTY :	
School directors of,	27
Short form of agricultural lien applies to,	109
Time of holding court changed,	326
Time of holding court changed,	690
Commissioners authorized to build causeway across Goshen swamp,	691
Justices of the peace appointed for,	700
Additions to pension roll of,	805

	PAGE.
DURHAM :	
Authorized to issue bonds for school purposes,	251
DURHAM COUNTY :	
School directors of,	27
Short form of agricultural lien applies to,	109
Act regulating collection of taxes. repealed,	563
Judgments by default in superior courts,	589
Condemnation of foot paths to school houses,	628
Public road law for,	775-786
Additions to pension roll of,	805
Use of wide tires on roads encouraged,	897
E	
EAST TENNESSEE AND WESTERN N. C. RAILROAD :	
Incorporation of,	141
EDGECOMBE COUNTY :	
School directors of,	27
Short form of agricultural lien applies to,	109
Prevention of disease among hogs in,	141
Relative to stock law of,	266
Number of commissioners increased,	274
Act relative to cotton and peanut weighers,	277
Consent of owner of land in writing to hunt,	327
Gaston Battle appointed a justice of the peace,	330
Relative to appointment of justices of the peace,	546
Justices of the peace appointed for,	590
Eastern district criminal court,	599-608
Act to restore good government to,	641
Public road law for,	778-786
Additions to pension roll of,	805
County commissioners to fix compensation for making out tax list,	842
School claim ordered paid,	855
Use of wide tires on wagons increased,	897
Commissioners authorized to pay sheriff certain fees,	902
EDUCATION :	
County board of, abolished,	521
EDWARDS, D. N.:	
Appointed commissioner for Greene county,	362
EDWARDS, J. N.:	
May absent himself from office on certain days,	658
ELIZABETH CITY :	
Commissioners of, authorized to issue bonds,	245
ELECTION BOARD :	
How elected, when to meet, etc.,	659
Compensation of,	660

ELECTION LAWS :	PAGE.
Laws 1895 and 1897 repealed,	106
Time for holding municipal election in certain towns changed,	650
State officers to be elected in August,	658
Election of county officers,	659
State board of election, election of; compensation, etc.,	659
When state board shall meet,	659
Appointment of registrars and judges,	660
Organization of county boards,	660
Advertisement shall be made of change in polling place,	661
New registration to be taken,	661
Qualifications for persons desiring to register,	661, 662
Right of elector to vote may be challenged,	662
Oath of elector,	662
Names of Indians must appear in separate column,	663
Where electors shall register: persons in state for temporary purpose not entitled to vote,	663
Appointment of registrars; day for registration,	663, 664
Appointment of judges of election,	664, 665
Persons not entitled to register or vote,	665
Certain persons allowed to register on election day,	666
When persons challenged and rejected,	666
Opening and closing of polls; passage to polls, etc.,	667
Registration books to be deposited with register of deeds,	667
Appointment of constables of election,	667, 668
Form, size and color of ballot; officers voted for on same and separate ballots,	668, 669
County board shall provide for ballot boxes,	670
Ballots, how counted; meeting of county canvassers,	670, 671
Abstract of votes made on different sheets,	671, 672
Original returns shall be filed with clerk,	672
When chairmen of boards shall compare senatorial vote,	672, 673
Chairman shall furnish certificate of election of representatives and senators.	673, 674
Chairman shall transmit statement of vote to speaker of house,	674
Secretary of state shall prepare and send out forms,	674
Announcement of returns by speaker of house,	675
Contested elections determined by joint ballot of both houses,	675
Abstract of returns to be made by clerks of both houses,	675
Failure to make returns; penalty,	675
Failure of returning officer to perform any duty required,	676
Persons registering or voting with fraudulent intent: penalty,	676
Persons corruptly taking oath guilty of perjury,	676
Interference with registration or election,	676, 677
Intimidation, bribery, wagering on elections, etc.,	677
Division of congressional districts,	677, 678
Congressmen, how voted for if representation is decreased,	678
Election for congressmen, when held,	678

ELECTION LAWS—CONTINUED.	PAGE.
Vacancies in representation in congress, how filled,	678
Congressmen shall procure certificate of election from governor,	679
Compensation of registrars, canvassers and judges,	679
State board of canvassers, of whom constituted,	679
When abstracts are not received by certain time,	679
When abstracts shall be opened by state board of canvassers,	679, 680
Record of abstracts by secretary of state,	680
Result of elections shall be certified to secretary of state,	680
When term of office of justices of supreme court, judges and solicitors shall begin,	680
Persons registering in more than one precinct; penalty,	681
Answers by persons challenged not used in criminal prosecutions,	681
Judges shall not receive vote of persons challenged without administering oath,	681
Registrars, judges and canvassers vested with power to keep order,	681
Vacancies occurring, how filled,	682
Elections held in pursuance of writ from governor, how conducted,	682
Persons giving away liquor guilty of misdemeanor,	682
Election for president and vice-president,	683
Names of electors, how printed,	684
Certificates of county canvassers,	684
Secretary of state shall deliver certificate to canvassers.	685
When electors shall meet,	686
Vacancies in office of president and vice-president,	686
Failure of elector to attend meeting,	686, 687
Compensation of electors,	687
Provisions for elections in cities and towns, and upon local questions in townships and counties,	692-697
<b>EMIGRANT AGENTS :</b>	
Act requiring license by, repealed,	536
<b>ENFIELD :</b>	
Appointment of cotton weigher for,	473
<b>ENROLLING CLERK :</b>	
Election of, by joint ballot; appointment of assistants, etc.,	31
<b>ENTERTAINMENTS :</b>	
Tax on,	38
When exempted,	38
<b>EQUALIZATION BOARD :</b>	
Abolition of,	146
Of Cherokee county,	325
<b>EXCURSIONS :</b>	
Railroads and steamboat companies may give special rates for,	302
<b>EXECUTION OF PROCESSES :</b>	
By sheriffs in their county,	122

	PAGE.
EXECUTORS :	
To list property of testator,	66
When to list property,	67
EXEMPTIONS :	
Poor and infirm peddlers from license tax, .	43
From poll tax,	63
EXPERIMENT STATION : (See AGRICULTURAL DEPARTMENT.)	
EXPRESS COMPANIES :	
Shall file annual statement with auditor,	50
Failure to file statement, penalty,	51
Failure to pay taxes assessed ; action may be instituted,	53
Tax on gross receipts,	59
Listing of property,	79
Regulation of, by Corporation Commission,	292
EVIDENCE :	
In civil actions where issues of fact on trial defendant may move to dismiss complaint.	263
F.	
FAIR BLUFF TOWNSHIP :	
Exempt from provisions of dispensary act until November 1, 1899,	621
FAIRFIELD CANAL AND TURNPIKE COMPANY :	
Charter of, extended,	122
FARMERS MUTUAL FIRE ASSOCIATION :	
Property of, exempt,	71
FARMING UTENSILS :	
How listed,	69
FAYETTEVILLE :	
Dispensary law of, amended,	335
FEES : (See LIST-TAKERS AND ASSESSORS ; SHERIFFS ; REGISTER OF DEEDS.)	
FEATHERS :	
License tax on persons engaged in removal of,	58
FISHING AND FISH :	
Act relating to fishing by non-residents amended,	146
In Henderson county,	313
Protection of fish in Madison county,	315
Protection of trout in certain counties,	418
Fishing with certain nets in Neuse river,	439
Fishing in Bachelor's bay and Albemarle sound,	445
Fishing in French Broad river, Transylvania county,	469
Fishing in Bladen county,	473
Fishing in Wilkes county,	477
Obstruction by dams in Yadkin river,	542

FISHING AND FISH—CONTINUED.	PAGE.
Fishing in Bath creek and tributaries,	551
Fishing in Big or Little Flatty creek,	552
Fishing in Bachelor's bay or Albemarle sound.	558
Fishing in Neuse river in Lenoir county,	563
License tax for fishing in Neuse river,	572
Fishing in waters of New Hanover county,	577
Fishing in mouth of Frying Pan creek,	592
Fishing in Steele's township, Richmond county,	614
Fishing in Black river, Pender county, prohibited for two years,	713
Promotion of cultivation of shell-fish in Brunswick county,	769
Taking diamond back terrapin and destroying eggs,	786
Obstructions in Moccasin river unlawful,	843
With pod or pyke nets in Pamlico or Tar river, unlawful,	845
Permitted in Ramon's creek, Camden county, with certain nets,	896
Protection of fish in Caldwell county,	901
FERRIES:	
Tax on,	39
Listing of property,	79
Free ferry on Chowan river at Barfield,	275
Charges of Brunswick Bridge and Ferry Company reduced,	340
Across Rocky river between Anson and Stanly counties,	802
FEREBEE, WILLIAM:	
Land grant to, ordered corrected,	328
FERTILIZER CONTROL STATION: (See AGRICULTURAL DEPARTMENT.)	
FEWELL, MRS. R. Z.:	
Land tax refunded by United States ordered paid to,	364
FIRES, INCENDIARY: (See INSURANCE COMMISSIONER.)	
FISHING CREEK:	
Obstruction of waters unlawful,	455
FISH CULTURAL STATION:	
United States permitted to acquire certain lands for establishment of,	34
FOOD BILL:	
Act to prevent sale of adulterated food,	216
Supplementary act,	508
FORD, MISS MINNIE L.:	
School claim ordered paid to,	338
FOREIGN CORPORATIONS:	
How domesticated,	197
FORSYTH COUNTY:	
School directors of,	27
Short form of agricultural lien for,	109
Lowlands of Muddy creek ordered drained,	236
Former township boundaries restored,	347

## FORSYTH COUNTY—CONTINUED.

	PAGE.
Commissioners authorized to levy special tax,	443
For better government of,	494
Western district criminal court,	511
Drainage of lowlands in,	537
Relating to appointment of justices of the peace.	546
Protection of Fries Electrical and Power Plant,	621
Justices of the peace appointed for,	700
Public road law for,	775-786
Time for holding court changed,	796
Additions to pension roll,	805
Terms of superior court changed,	893
<b>FORECLOSURE:</b>	
Of tax liens, how made,	98
Of lien in nature of mortgage,	99
Must be made in two years,	99
<b>FRANKLIN:</b>	
Dispensary established at,	456
<b>FRANKLINTON:</b>	
Cotton-seed weigher for,	562
<b>FRANKLIN COUNTY:</b>	
School directors of,	27
Relative to cotton weighers in,	326
Act for relief of B. F. Wilder, ex-treasurer,	346
Impounding of stock,	558
Cotton-seed weigher for Franklinton,	562
Time of holding court changed,	613
Act to restore good government to,	641
Working of roads with convicts,	748
Public road law for,	775-786
Additions to pension roll of,	805
Act for relief of H. C. Kearney,	828
A. C. Privett appointed justice of the peace,	877
<b>FRATERNAL SOCIETIES:</b>	
Exempt from taxation,	71
Exemption provisions of insurance law,	184
Annual report, fee for filing, etc.,	184
<b>FRENCH BROAD RIVER:</b>	
Fishing in, at certain times unlawful,	469
<b>FRIENDS OF TEMPERANCE:</b>	
Property of, exempt,	71
<b>FRIES ELECTRICAL AND POWER PLANT:</b>	
Protection of,	621
<b>GAMBILL, WILLIAM:</b>	
Authorized to collect arrearages in taxes,	877

	PAGE.
GAMEKEEPERS:	
Appointment of, for Currituck sound,	363
GARNER, L. A.:	
Auditor authorized to issue claim for,	894
GASH, GEORGE A.:	
School claim ordered paid to,	541
GASTON COUNTY:	
School directors of,	27
Short form of agricultural lien for,	109
Hunting on land without consent of owner unlawful,	140
Fast riding and driving over bridges,	267
Treasurer ordered to pay certain school claim,	338
Drainage of lowlands in,	534
Placed in eighth congressional district,	564
School claims ordered paid,	566
Justices of the peace appointed for,	701
Treasurer ordered to pay certain claim,	715
Commissioners authorized to levy special tax,	725
Public road law of,	775-786
Additions to pension roll of,	805
Public drunkenness a misdemeanor,	812
School claim ordered paid,	878
Use of wide tires on wagons encouraged,	898
GAS COMPANIES:	
Listing of property,	79
GASKINS, WILLIAM:	
Appointed a justice of the peace,	330
GATES COUNTY:	
School directors of,	28
Short form of agricultural lien for,	109
Prevention of disease among hogs,	141
Clerk of court granted certain relief,	447
Commissioners authorized to levy special tax,	461
Additions to pension roll of,	805
GEOLOGICAL SURVEY:	
Act establishing, amended,	799
GEORGIA EXTENSION RAILROAD COMPANY OF NORTH CAROLINA:	
Ratification of incorporation, etc.,	129
GIFT ENTERPRISES:	
Tax on,	38
GOOD SAMARITANS:	
Property of, exempt,	71
GOOD TEMPLARS:	
Property of, exempt,	71

	PAGE.
GOSHEN SWAMP :	
Causeway ordered built across by commissioners of Duplin county,	691
GRAHAM COUNTY :	
School directors of,	28
Prevention of drunkenness in,	220
Working roads of,	227
Relative to setting steel traps in,	232
Supreme court reports for,	247
Killing of certain wild animals encouraged,	277
Special tax rate increased,	394
Ranging of certain live stock prohibited,	416
Protection of mountain trout,	418
Time for holding court in, changed,	535
Date for holding court,	653
Additions to pension roll,	805
GRAHAM TOWNSHIP :	
Boundary line of, changed,	475
GRANVILLE COUNTY :	
School directors of,	28
Short form of agricultural lien for,	109
Exempt from provisions of act relating to barb wire fence,	139
Exempt from provisions of act relating to barb wire fence,	346
Additional commissioners appointed,	440
Appointment of justices of the peace,	503
Relating to appointment of justices of the peace,	546
Act to restore good government to,	641
Public road law for,	775-786
Additions to pension roll,	805
GRASSY CREEK TOWNSHIP :	
Boundary line of changed,	408
GREENE COUNTY :	
School directors of,	28
Short form of agricultural lien for,	109
Commissioners appointed for,	362
Working of public roads,	364
Commissioners ordered to levy special tax,	501
Time for holding courts,	690
Justices of the peace appointed for,	700
Public road law for,	775-786
Keeping up fences in,	372
GREENSBORO :	
Dispensary established at,	376
GREENWOOD TOWNSHIP :	
Boundary line changed,	449
GRIMSLEY, DR. JOSEPH E. :	
Appointed to receive and disburse road tax funds in Greene county,	364

	PAGE.
GUARDIANS:	
To list property of wards,	66
GUARD, STATE:	
Provisions for maintenance, etc., of,	543
GUILFORD COUNTY:	
School directors of,	28
Dispensary established at Greensboro,	376
Justices of the peace appointed for,	701
Road law for,	719
Additions to pension roll of,	805
GYPSIES:	
Receiving reward, tax on,	44
H	
HACKNEY, GEORGE:	
Appointed trustee Wilson graded schools,	391
HALIFAX COUNTY:	
School directors of,	28
Working of public roads in,	224
Repeal of certain stock law act,	266
Consent of owner in writing to hunt on lands,	329
Treasurer of, authorized to pay school claims,	348
Eastern district criminal court,	589-608
Justices of the peace appointed for,	701
Commissioners authorized to issue bonds,	725
Written consent of owner of land to hunt required,	732
Public road law for,	775-786
Additions to pension roll of,	805
Justices of peace appointed for certain township,	887
Justices of peace appointed for certain township,	902
HALLS:	
License tax on,	37
HARNETT COUNTY:	
School directors of,	28
Short form of agricultural lien for,	108
Free passage of fish in Mingo creek,	207
Relative to appointment of justices of the peace,	546
Soldiers pensioned,	549
Justices of the peace appointed for,	565
Sluice ways in Cape Fear river,	648
Additional justices of the peace appointed for,	701
Names added to pension roll of,	805
Act relative to fences in,	868
Fees of treasurer, regulation of,	899

	PAGE.
HARRIS' CREEK :	
Obstruction of, unlawful,	738
HAW RIVER :	
Police powers conferred on deputies at,	317
HAWKS :	
Bounty for hawk scalps, Davidson county,	566
HAYESVILLE :	
Act establishing graded schools repealed,	216
HAYWOOD COUNTY :	
School directors for,	28
Treasurer of, authorized to pay certain school claim,	337
Protection of mountain trout in,	418
Obstruction of waters in Jonathan's creek unlawful,	436
Commissioners authorized to levy special tax to build bridge,	440
Western district criminal court,	511
Graded schools, etc., for Waynesville,	628-634
Time for holding court,	653
Justices of the peace appointed for,	701
Sale of liquor near Sunday schools or churches unlawful,	803
Additions to pension roll of,	805
Public drunkenness a misdemeanor,	813
Road law of,	813-817
HEALTH, STATE BOARD OF :	
Shall cause examination of water supplies,	857
HENDERSON COUNTY :	
School directors of,	28
Land grant 601 ordered corrected,	235
Stock law of, amended,	240
Fishing in,	313
Certain land grant ordered corrected,	330
Western district criminal court,	511-517
School claim ordered paid George A. Gash,	541
Unlawful to throw sawdust in streams,	584
Justices of the peace appointed for,	701
Additions to pension roll of,	805
HERTFORD :	
Fast riding or driving over bridge at, prohibited,	327
HERTFORD COUNTY :	
School directors of,	28
Number of commissioners increased,	271
Duties and powers of constables,	309
Fee for registering crop lien in,	442
Time for holding election in Winton,	650
Bonds may be issued for Murfreesboro township,	762

	PAGE.
HERTFORD COUNTY—CONTINUED.	
Additions to pension roll of,	805
School claims ordered paid by treasurer of,	823
Chowan educational association incorporated,	832
HIBERNIAN BENEVOLENT SOCIETY OF WILMINGTON :	
Property of, exempt,	71
HICKORY NUT TURNPIKE :	
Declared a public highway,	799
HILL, LILLIAN :	
School claim ordered paid to,	472
HILL, M. A.:	
Auditor authorized to issue warrant in favor of,	894
HILTON TOWNSHIP :	
Boundary of, changed,	408
HOLT'S CHAPEL :	
Prohibition within three miles of,	476
HOLT, MISS L. S.:	
School claim ordered paid,	348
HOMINY SWAMP :	
Drainage of,	751
HOFFMAN, J. H.:	
Appointed juror for Burke county relative to Catawba river,	715
HOOPER, ANNETTE G.:	
School claim ordered paid to,	348
HORSES :	
Dealers in, tax on,	39
How listed for taxation,	69
HOTELS :	
License tax on,	58
HOUCK, W. A.:	
Appointed commissioner for Rowan county,	320
HUNTING :	
Written consent of owner of land in Gaston and Catawba counties,	140
By non-residents in Camden county,	276
Act relative to, in Yadkin county amended,	277
Protection of game in Randolph county,	278
Protection of wild fowl in Hyde county,	307
Protection of game in Madison county,	325
Written consent of owner of land necessary in Edgecombe county,	327
Written consent of owner of land necessary in Halifax county,	329
Written consent of owner of land necessary in Davidson county,	331
Violation of hunting law in Stokes county, by whom prosecuted,	360
Hunting law in Currituck county amended,	364

HUNTING—CONTINUED.	PAGE.
Written consent of owner of land necessary in Rowan county,	415
Written consent of owner of land necessary in Alexander county,	432
Consent of owner of land necessary in Surry county,	488
Written consent of owner of land necessary in Wake county,	491
Written consent of owner of land necessary in Wilkes county.	497
Hunting partridges in Richmond county,	552
Shooting wild fowl in Carteret county,	515
Shooting quail, etc., in Iredell county,	612
Hunting in Steele's township, Richmond county,	614
Written consent of owner of land necessary in Halifax county,	732
Consent of owner of land necessary in Burke county,	844
Protection of foxes in Alleghany county,	867
Killing of deer prohibited in Caldwell county,	899
In Rich Square township, Northampton county,	901
HUGHES, JOHN K.:	
Authorized to collect tax arrears,	846
HYDE COUNTY :	
School directors of,	28
Regulation of oyster industry in,	110
Division of, in wreck districts,	209
Shooting deer in,	250
Protection of wild fowl in,	307
Additional justices of the peace appointed,	330
Soldiers pensioned,	549
Commissioners authorized to levy special tax,	558
When county canvassers shall meet,	671
Justices of the peace appointed for,	701
Public road law for,	775-786
Additions to pension roll of,	805
 I  	
ICE MANUFACTURERS :	
License tax on,	58
IMMIGRATION :	
Department of, reorganization, etc.,	526-533
INCENDIARY FIRES :	
Duty of insurance commissioner to investigate,	193-195
INCOME TAX :	
Gross income, how listed,	70
INDIGENT :	
Children without guardian,	215
INDEPENDENT ORDER OF MECHANICS :	
Property of, exempt,	71

	PAGE.
INDIANS :	
Care of inebriate Croatans,	492
Names of, shall be recorded in separate column in registration book,	663
INJUNCTIONS :	
Shall not be granted staying orders of Corporation Commission,	298
Not granted to restrain collection of taxes ; exception,	83
INQUESTS :	
When held in Northampton county ; affidavit,	614
INSANE :	
Insanity laws,	3
Care of inebriate Croatan Indians,	492
Appropriation for hospitals,	873
Land of, sold for taxes,	87
INSOLVENT TAXES :	
Report of sheriff on,	78
Commissioners shall record list of,	79
Sheriff shall make publication of, at court-house door,	79
County shall be credited by auditor with,	94
INSURANCE COMMISSIONER :	
Establishment of office,	147
Duties of commissioner, etc.	147, 148
Duty of, to investigate fires,	193
Act providing for office for,	792
INTERNAL IMPROVEMENT BOARD :	
Duties of members of board, etc.,	201
Appointment to vacancies on Corporation Commission,	291
Appointment of agent for swamp lands,	375
Management of A. N. C. Railroad,	612
INVESTIGATIONS :	
Of agricultural department, treasurer's office and charitable institutions,	125
To investigate A. and M. College at Greensboro,	134
Of incendiary fires.	193
Of agricultural department and State's Prison,	855
INSURANCE LAW :	
Regulation of insurance companies,	147
Duties and salary of commissioner,	147
Insurance department and commissioner,	147-151
General deposits with state treasurer,	151, 152
Domestic companies. etc.,	152, 153
Organization of insurance companies,	153-156
Amount of capital,	156
Payment and investment of capital,	156, 157
Impairment, increase and reduction of capital,	157, 158
Mutual fire companies,	158, 159
Members and election,	159

INSURANCE LAW—CONTINUED.	PAGE.
Companies with a guaranty capital,	160
Dividends and assessments,	161, 162
Real estate title insurance,	162
Fire insurance,	162, 163
Standard form of fire insurance policy,	163-169
Fidelity insurance,	169-173
Life insurance and life insurance companies,	173-175
Foreign insurance companies,	175
Conditions of admission of foreign companies,	175-177
Brokers—Fire insurance in unauthorized companies,	178, 179
Statements,	179, 180
License, taxes and fees,	180, 181
Schedule of licenses, fees, etc.,	181, 182
Assessments,	182, 183
Fraternal orders,	184, 185
INSURANCE :	
Penalties, forfeitures, etc.,	185-187
Form of returns,	187, 188
Insurance in unauthorized companies,	188, 189
INSURANCE COMPANIES :	
License tax and tax on gross receipts,	45
When company invests in North Carolina,	45
Counties or corporations shall not impose tax,	45
INVESTMENTS :	
How listed,	70
IREDELL COUNTY :	
School directors of,	28
Hunting without written consent of owner,	196
Short form of agricultural lien for,	367
Sale of liquor near Centre Presbyterian church,	417
Felling of timber in certain streams unlawful,	431
Short form of agricultural lien for, amended,	590
Hunting certain birds, act relating to, repealed,	612
Justices of the peace appointed for,	701
Improvement of roads in Coddle Creek township,	732
Additions to pension roll of,	805
ISRAEL AND PRISCILLA TENT OF WILMINGTON :	
Property of, exempt,	71
ITINERANT SALESMEN :	
Tax on,	43
IVY CREEK :	
Building of bridge across,	375
Building of bridge across,	447

## J

JACKSON :	PAGE.
Establishment of dispensary at,	321
Sale of liquors in township except at dispensary prohibited,	726
<b>JACKSON COUNTY :</b>	
School directors of,	28
Stock law of, amended,	262
Protection of schools and religious gatherings,	417
Construction of certain public road,	441
Commissioners authorized to settle with R. F. Allison, J. E. McLain and sureties,	476
Commissioners authorized to levy special tax.	497
Time for holding superior court,	653
Justices of the peace appointed for,	702
Protection of cattle from splenetic fever,	730
Sale of liquor prohibited,	737
Public road law for,	775-786
Additions to pension roll of,	806
<b>"JIM CROW" CAR LAW :</b>	
Separate accommodations for travelers.	539
<b>JONATHAN'S CREEK :</b>	
Obstruction of waters in, unlawful,	436
<b>JOHNSTON COUNTY :</b>	
School directors of,	28
Free passage of fish in Mingo creek,	207
Dispensary established at Smithfield,	228
Treasurer authorized to pay school claim,	348
Short form of agricultural lien for,	367
Dispensary established at Clayton,	411
Neuse river a lawful fence for,	469
Stock law for,	492
John H. Parker appointed a justice of the peace.	547
Short form of agricultural lien for, amended,	590
Five commissioners shall compose board.	593
Justices of the peace appointed for,	702
Dispensary established at Selma.	757-760
Public road law for,	775-786
Additions to pension roll of,	806
Certain amount ordered paid into school fund by dispensaries,	895
Hitch-posts required at gates,	898
<b>JONES COUNTY :</b>	
School directors of,	28
Short form of agricultural lien for,	109
Commissioners authorized to sell poor-house, etc..	214
Relative to working roads in,	232
Number of commissioners for, increased,	268

JONES COUNTY—CONTINUED.	PAGE.
Time for holding court,	690
Justices of the peace appointed for,	702
Public road law for,	775-786
Additions to pension roll of,	806
<b>JOHNSON, J. W.:</b>	
Appointed a justice of the peace,	319
<b>JUDICIAL DEPARTMENT:</b>	
Vacancies in, how filled,	818
<b>JUSTICES OF THE PEACE:</b>	
For Polk county,	315
For Washington county,	316, 502
For Madison county,	316
For Rutherford county,	316
For Hyde county,	330
For Edgecombe county,	330, 590
For Cumberland county,	391
For Granville county,	503
For Caswell county,	503
For Vance county,	503
For Surry county,	547
For Johnston county,	547
Trials by, in New Hanover county,	541
For Harnett county,	565
For Lenoir county,	599
Election of, by county commissioners, etc., applicable to certain counties,	641
For Alamance, Alleghany, Bertie, Burke, Balaen, Buncombe, Beaufort, Brunswick, Cabarrus, Columbus, Cherokee, Catawba, Chatham, Cleveland, Currituck, Cumberland, Davidson, Davie, Duplin, Forsyth, Greene, Gaston, Guilford, Henderson, Halifax, Hyde, Haywood, Harnett, Iredell, Jackson, Johnston, Jones, Lincoln, Lenoir, Mecklenburg, Mitchell, Montgomery, Madison, Martin, McDowell, Northampton, Nash, New Hanover, Orange, Onslow, Pasquotank, Perquimans, Pender, Rockingham, Rowan, Rutherford, Richmond, Robeson, Surry, Stanly, Transylvania, Tyrrell, Union, Watauga, Wilson, Wilkes, Wake, Warren, Yadin and Yancey counties,	696-708
For Stokes county,	712
For Pender county,	714
For Wilson county,	718
For Craven county,	742
For Beaufort county,	789
For Robeson county,	819
For Lenoir county,	843
For Davidson county,	846
For Harris township, Stanly county,	866
For Dunn's township, Franklin county,	877
For Halifax county,	887

JUSTICES OF THE PEACE—CONTINUED.	PAGE.
For Lenoir county,	895
For Richmond county,	895
For Cabarrus county,	900
For Halifax county,	902

## K

KEARNEY, H. C.:	
Act for relief of,	828
KEEPER OF CAPITOL:	
By whom elected,	359
May remove supreme court janitor,	622
KINSTON:	
Establishment of graded schools in,	225
KNIGHTS OF HONOR:	
Property of, exempt,	71
KNIGHTS OF PYTHIAS:	
Property of, exempt,	71
LABOR BUREAU AND COMMISSIONER:	
Establishment of,	519, 520
Supplementary act to,	728
Commissioner shall approve printing accounts,	824
LABOR DAY:	
Made a legal holiday,	557
LAND GRANTS:	
No. 4167, Buncombe county, ordered corrected,	222
No. 6011, Henderson county, ordered corrected,	235
Grant to Wm. Ferrebee, of Currituck county, ordered corrected,	328
No. 3641, Henderson county, ordered corrected,	330
Ordered issued to Milton Moss, Jr.,	435
LAND COMPANIES:	
Franchise tax on, when capital stock does not exceed \$10,000,	49
LAND TAX:	
Certain amount ordered refunded,	364

## LAWS ALTERED, AMENDED OR REPEALED:

The following laws were altered, amended or repealed:

CHAP.	YEAR.	PAGE.	CHAP.	YEAR.	PAGE.
464	1897	26	163	1897	191
504	1897	29	167	1897	191
52	1897	31	314	1897	198
203	1897	32	114	1895	201
335	1895	62	161	1895	202
159	1895	106	426	1893	206
13	1897	110	217	1895	206

## LAWS ALTERED, AMENDED OR REPEALED—CONTINUED.

CHAP.	YEAR.	PAGE.	CHAP.	YEAR.	PAGE.
331	1897	119	119	1897	206
219	1897	121	297	1895	207
417	1895	121	271	1897	215
283	1893	121	361	1897	216
68	1897	126	122	1895	216
500	1897	127	57	1897	220
150	1897	135	75	1895	221
329	1895	136	222	1897	222
51	1897	137	181	1889	223
65	1895	139	399	1891	224
105	1895	144	324	1897	224
35	1897	146	354	1891	227
510	1897	146	427	1895	232
299	1893	191	162	1897	232
300	1893	191	171	1895	232
270	1895	191	200	1897	232
329	1895	191	154	1891	245
48	1895	191	194	1895	247
81	1897	250	276	1897	318
433	1897	251	233	1897	318
51	1897	263	353	1897	319
109	1897	263	114	1897	319
270	1895	264	210	1895	325
140	1897	265	113	1895	326
64	1897	266	180	1885	326
301	1897	266	102	1873-74	329
223	1895	267	57	1897	333
128	1897	267	246	1885	334
316	1897	268	235	1897	335
269	1895	269	277	1895	337
114	1895	273	45	1895	339
295	1897	274	65	1895	346
99	1897	275	330, 50, 82	1895	347
253	1897	275	381	1895	347
558	1897	276	364	1893	350
220	1897	277	77	1897	360
154	1895	277	176	1895	363
367	1897	278	487 re-enacted.	1891	363
261	1897	290	500	1897	364
484	1897	307	291	1897	365
135	1895	308	354	1891	390
112	1895	311	208	1893	390
172	1897	311	12	1897	390
108	1895	313	345	1895	313
509	1891	391	151	1897	518
13	1897	392	113	1887	519

## LAWS ALTERED, AMENDED AND REPEALED—CONTINUED.

CHAP.	YEAR.	PAGE.	CHAP.	YEAR.	PAGE.
180	1897	394	108	1897	521
144	1895	394	134	1885	521
410	1897	409	85	1897	526
207	1895	419	75	1891	536
173	1897	419	57	1891	542
172	1891	432	98	1879	542
145	1897	439	549	1891	543
353	1895	441	399	1893	543
435	1897	441	157	1895	546
362	1889	442	421	1897	546
245	1895	445	399	1895	552
176	1897	447	245	1895	558
287	1891	454	433	1895	558
389	1897	469	297	1885	559
67	1887	471	269	1897	563
501	1893	473	262	1897	563
149	1885	473	145	1897	563
141	1897	485	307	1897	564
429	1895	498	40	1895	571
308	1885	509	411	1897	571
410	1887	509	352	1885	571
106	1889	509	145	1897	572
348	1891	509	18	1883	576
85	1897	509	399	1893	577
328	1897	509	544	1891	577
180	1885	581	450	1891	798
379	1885	587	417	1891	799
235	18-9	590	213	1897	800
122	1897	612	380	1889	801
416	1895	612	249	1897	813
41	1897	614	266	1895	818
135	1895	641	212	1897	820
288	1895	644	19	1885	820
449	1897	646	380	1893	820
245	1897	650	441	1897	828
180	1885	653	280	1897	833
320	1891	658	57	1897	837
431	1897	714	156	1895	841
59	1883	721	139	1895	843
411	1895	722	92	1895	844
380	1887	727	250	1897	844
427	1897	731	107	1885	849
500	1897	731	458	1889	849
108	1897	741	141	1891	849
288	1895	764	480	1891	849
119	1897	772	395	1897	867

## LAWS ALTERED, AMENDED AND REPEALED—CONTINUED.

CHAP.	YEAR.	PAGE.	CHAP.	YEAR.	PAGE.
68	1897	773	9	1897	867
337	1897	774	57	1881	868
395	1897	774	364	1893	871
215	1889	787	70	1883	872
215	1893	793	110	1883	875
363	1889	888	298	1893	891
416	1893	894	115	1893	896
79	1897	897	553	1897	899
108	1879	900			
LAUNDRYMEN:					
	License tax on,				58
LAWYERS:					
	License tax on,				48
LEACH, J. P.:					
	Act for relief of,				344
LEAKSVILLE:					
	Commissioners of, relieved from certain penalty,				484
LECTURES:					
	Tax on, except for certain purposes,				37
LEEPER, GEORGE S.:					
	School claim ordered paid to,				566
LEDBETTER, WM. P.:					
	Appointed deputy clerk of Anson county court,				567
LEGISLATIVE ACTS:					
	Indexing, etc. of, Jno. M. Julian appointed to assist Secretary of State,				374
LEGAL HOLIDAYS:					
	Labor day a legal holiday,				557
LENOIR COUNTY:					
	School directors of,				28
	Short form of agricultural lien for,				109
	County exhibit optional,				562
	Fishing in Neuse river,				563
	Additional magistrates appointed,				599
	Time for holding courts in,				690
	Justices of the peace appointed for,				702
	Public road law for,				775-786
	Additions to pension roll of,				806
	Justices of the peace for,				843
	Keeping up fences in,				372
	Justices of the peace appointed for,				895
LETTERS PATENT:					
	Amendment to, to be attested by secretary to clerk of court,				820

LEXINGTON :	PAGE.
Question of dispensary submitted to voters,	449
<b>LEXINGTON TOWNSHIP :</b>	
Road law for,	521-525
<b>LICENSE :</b>	
For practice of medicine,	223
Retail liquor license in Wilkesboro,	359
<b>LIENS :</b>	
On personal property for taxes,	78
When plaintiff recovers in action for foreclosure of tax certificate,	95
Taxes on railroad property, perpetual lien,	99
Persons having lien may pay taxes,	100
Joint tenant paying delinquent tax shall have lien,	100, 101
Liens of mechanics,	471
Persons failing to work roads, judgment against, a lien,	547
By boarding-house keepers on baggage,	840
<b>LIGHTNING RODS :</b>	
Itinerant dealers in,	45
<b>LINCOLN COUNTY :</b>	
School directors of,	28
Short form of agricultural lien for,	109
Written consent of owner of land necessary to hunt,	196
Special road tax for,	247
Drainage of Lockhart's creek,	254
Drainage of Clark's creek,	329
Commissioners authorized to levy special tax,	501
Drainage of certain lowlands,	534
Ex-Confederate soldiers pensioned,	249
Number of commissioners increased,	583
Justices of the peace appointed for,	702
Public road law for,	775-786
Additions to pension roll of,	806
Use of wide tires on wagons encouraged,	898
<b>LINCOLNTON :</b>	
Graded schools for,	825
<b>LIQUOR DEALERS :</b>	
Tax on purchases,	41
License tax on,	46
<b>LIST-TAKERS AND ASSESSORS :</b>	
Appointment of, by county commissioners,	64
Shall advertise appointments,	64
Return of assessments by first Monday in July,	64
Affidavit of,	65
Compensation of,	65
Shall file detailed account,	66

LIST-TAKERS AND ASSESSORS—CONTINUED.	PAGE.
Duties of, in taking lists,	69
Shall examine persons making returns, on oath,	70
Failure to examine as required a misdemeanor,	70, 71
May correct valuation of property destroyed,	71
When tax list shall be returned,	72
Oath of,	72
Making false returns, perjury,	73
Shall report changes made in real estate,	74
Duty of, in regard to statement of railroads,	81
Shall certify local rate of taxation to commissioners,	82
Irregularity of assessment shall not invalidate sale of real estate for taxes.	92
Definition of,	96
<b>LITTLE FLATTY CREEK :</b>	
Regulations for fishing in,	552
<b>LIVERY STABLES :</b>	
Tax on,	39
“Dealer” in, construed,	39
<b>LOCAL OPTION :</b>	
Elections on, when held for certain counties,	739
<b>LOCKHART'S CREEK :</b>	
Drainage of,	254
<b>LONG HILL TOWNSHIP :</b>	
Created in Surry county,	731
<b>LOVE, IDA V. :</b>	
School claim ordered paid,	337
<b>LOWER LITTLE RIVER :</b>	
Declared a lawful fence for Cumberland county,	874

## M

<b>MACHINERY ACT :</b>	
Provisions for assessment of property and collection of taxes,	63-106
<b>MACON COUNTY :</b>	
School directors of,	28
Improvement of roads; special tax levy, etc.,	387
Protection of mountain trout in,	418
Dispensary established at Franklin,	457
Time for holding court changed,	535
Time for holding superior court,	653
Protection of cattle from splenetic fever,	730
Additions to pension roll of,	806
<b>MADISON :</b>	
Dispensary established,	400-404

	PAGE.
<b>MADISON COUNTY :</b>	
School directors of,	28
February term of circuit court abolished,	221
Protection of fish in No. 11 township.	315
Appointment of magistrate for,	316
Hunting birds in,	325
Public drunkenness in,	333
Chain gang abolished,	344
Building of bridge across Ivy creek,	375
Building of bridge across Ivy creek,	447
Act for relief of Enoch Rector,	454
Western district criminal court,	511-517
Unlawful to throw sawdust in streams,	584
Mars Hill township created,	588
Time of holding superior court,	653
Justices of the peace appointed,	703
Clerk of criminal court empowered to probate deeds and other instruments,	803
Additions to pension roll of,	806
<b>MARKHAM, H. E.:</b>	
Appointed a justice of the peace,	315
<b>MANAGERS :</b>	
Of dispensaries, to pay tax of,	48
<b>MANUFACTURING COMPANIES :</b>	
Listing of property,	79
<b>MARRIAGE LICENSE :</b>	
Fee on,	60
<b>MARRIED WOMEN :</b>	
Certain disabilities of, removed,	209
Private examination of,	350
<b>MARS HILL TOWNSHIP :</b>	
Township created,	588
<b>MARTIN COUNTY :</b>	
School directors of,	28
Short form of agricultural lien for,	109
Sheriff of, granted extension of time to settle state taxes.	546
Justices of the peace appointed,	703
Additions to pension roll of,	806
<b>MASONIC FRATERNITY :</b>	
Property of, exempt.	71
<b>MAXTON :</b>	
Graded schools for,	498
<b>MAYOR :</b>	
Shall furnish local rate of taxation to Corporation Commission,	82

	PAGE.
<b>MCDOWELL COUNTY :</b>	
School directors of,	28
Short form of agricultural lien for,	109
Commissioners authorized to levy special tax,	214
Act creating Muddy Creek township, repealed,	319
Western district criminal court,	511-517
Justices of the peace appointed,	703
Public road law for,	775-786
Time for holding courts,	794
Provisions for burning houses infected with small-pox germs,	799
Additional names on pension list,	806
<b>MEATS :</b>	
Dealers in, license tax on,	57
<b>MECHANICS :</b>	
Lien for amount due by employer,	471
<b>MECKLENBURG COUNTY :</b>	
School directors of,	28
Repeal of act relating to drainage of certain creek,	215
Election of cotton-weigher,	238
Powers of commissioners as to public roads,	268
Eastern district criminal court,	599-608
Justices of the peace appointed for,	702
Treasurer authorized to pay certain claims,	715
Bonds ordered issued for improvement of roads,	756
Public road law for,	775-786
Additions to pension roll of,	806
Public drunkenness a misdemeanor,	812
Number of commissioners increased,	813
Act for election of tax collector for Charlotte township,	870
Use of wide tires on wagons encouraged,	897
<b>MEDICAL LICENSE :</b>	
Relative to giving of,	223
<b>MERCANTILE AGENCIES :</b>	
License tax on,	39
<b>MERCHANTS :</b>	
Annual license tax on capital invested,	40
Failure to produce books to commissioners on demand,	41
Exempted from license tax on sewing machines,	44
Exempted from license tax on cotton buying,	58
<b>MERONEY, P. P. :</b>	
Appointed commissioner for Rowan county,	320
<b>MCLAUHLIN, JOHN C. :</b>	
Act for relief of,	819
<b>McKEEL, SAMUEL :</b>	
Appointed commissioner for Greene county,	363

	PAGE.
McKAY, A. S. :	
Appointed on committee relative to obstructions in Catawba river,	714
McEACHERN, R. A. :	
Allowed to collect tax arrears,	787
McLAIN, JOHN E. :	
Commissioners of Jackson county authorized to settle with McLain and sureties,	476
McNEILL'S TOWNSHIP :	
Boundary line changed,	449
MILLER, FESTUS :	
Warrant ordered drawn in favor of,	889
MILLER, THOMAS K. :	
Authorized to collect tax arrears,	877
MINERAL INTERESTS :	
When ownership of, is separate from land, how listed,	67
Listing of property of mining companies,	79
MINGO CREEK :	
Provisions for free passage of fish in,	207
MINORS :	
Sale of liquor to, a misdemeanor,	280
MITCHELL COUNTY :	
School directors of,	28
Regulation of sale of liquor in,	393
Soldiers pensioned,	549
Relative to bonds by,	558
Placed in eighth congressional district.	564
Justices of the peace appointed for,	702
Finance committee appointed for,	723
Time for holding courts,	794
Additions to pension roll of,	806
Commissioners authorized to levy special tax,	839
MONEY :	
On hand, how listed,	69
MONROE TOWNSHIP :	
Authorized to issue bonds to improve roads,	593-598
MONTGOMERY COUNTY :	
School directors of,	28
Act for relief of J. P. Leach, late sheriff,	344
Act for protection of cotton buyers,	454
Relating to appointment of justices of the peace,	546
Time of holding courts,	598
Amount of special tax levy reduced,	614
Act to restore good government to,	641

	PAGE.
MONTGOMERY COUNTY—CONTINUED.	
Justices of the peace appointed for,	703
Commissioners authorized to build a bridge.	724
Act regulating courts of, amended,	838
MOORE, C. E.:	
Appointed trustee of Wilson graded school,	391
MOORE COUNTY:	
School directors of,	28
Short form of agricultural lien for,	109
Fishing without permission of owner of land unlawful,	195
Commissioners authorized to issue bonds,	369
Line between certain townships changed,	449
Public road law for,	775-786
Additions to pension roll of,	806
Use of wide tires on wagons encouraged,	897
MOORE'S CREEK MONUMENTAL ASSOCIATION:	
Incorporation of,	789
MOORESVILLE:	
Cotton weigher of.	313
MOREHEAD CITY:	
Permission granted to sell whiskey in Atlantic hotel.	691
MORGANTON:	
Graded schools for,	395-397
Election ordered on local option or dispensary.	649
MORTGAGES:	
Short form of chattel.	107
MOSS, MILTON, JR.:	
Land grant ordered issued to,	435
MOSS, L. HENRY:	
Appointed commissioner of Greene county,	440
MOUNT AIRY:	
Graded schools for,	397
MOUNT AIRY TOWNSHIP:	
Restoration of,	311
Constable appointed for,	325
Act authorizing issuance of bonds by.	710
MT. OLIVE:	
Graded schools for,	716
MUDDY CREEK:	
Lowlands of ordered drained,	236
MUDDY CREEK TOWNSHIP:	
Act creating, repealed.	1

	PAGE.
MULES:	
How listed for taxation,	69
Traders in, tax on,	39
MURFREESBORO TOWNSHIP:	
Commissioners of Hertford county may issue bonds for,	762
N	
NANTAHALA, TENNESSEE AND HIAWASSEE RIVERS:	
Declared floatable streams,	884
NASH COUNTY:	
School directors of,	28
Short form of agricultural lien for,	109
Working of public roads in,	222
Commissioners authorized to levy special tax,	329
Time of spring term of criminal court changed,	469
Commissioners authorized to levy special tax,	539
School claim ordered paid,	551
Stock law in certain portions of,	573
Stock law in North Whitaker township,	592
Eastern district criminal court,	599-608
Time for holding election at Nashville,	650
Justices of the peace appointed for,	704
Public road law for,	775-786
NASHVILLE:	
Time for holding municipal election,	650
NATIONAL BANKS: (See BANKS.)	
NAVAL BATTALION OF STATE GUARD: (See STATE GUARD.)	
NEGOTIABLE INSTRUMENT LAW:	
Instruments, when negotiable,	926
Sum payable,	926
Unconditional orders to pay,	926
When instruments are payable,	926
Instruments containing order or promise to pay in addition to payment of money not negotiable,	927
When validity of instruments not affected by certain omissions,	927
Instruments payable on demand,	927
When instrument is payable on demand,	927
When instrument is payable to order,	927
When instrument is payable to bearer,	928
When instrument is wanting in any material particular,	928
Contract on negotiable instruments incomplete until delivery of instru- ment,	929
When language of instrument is ambiguous,	929
Liability on instrument when not personally signed,	930
Consideration for which instruments issued,	930, 931

NEGOTIABLE INSTRUMENT LAW—CONTINUED.	PAGE.
Negotiation of instruments; indorsements, etc.,	931-933
Rights of the holder,	933, 934
Liabilities of parties,	934-936
Presentment for payment,	936-938
Notice of dishonor,	938-941
Discharge of negotiable instruments,	941, 942
Bills and exchange; form and interpretation,	943
Acceptance,	943, 944
Presentment for acceptance,	945-946
Protest,	946
Acceptance for honor,	947
Payment for honor,	948
Bills in a set,	949
Promissory notes and checks,	949
Interpretation of terms used,	950
 NELSON'S FERRY :	
Commissioners of Craven county authorized to sell,	873
 NEWBERN :	
Graded schools for,	735
 NEW HANOVER COUNTY :	
School directors of,	28
Short form of agricultural lien for,	109
Division of, in wreck districts,	209
Number of commissioners increased,	234
Commissioners authorized to revise jury list,	314
Charges of Brunswick Bridge and Ferry Company,	340
Improvement of public roads,	381
Certain act relating to taking oysters, applicable to,	392
Stock law of,	432
Trials by justices of the peace,	561
Fishing in waters of,	577
Eastern district criminal court,	599-608
Act to restore good government to,	641
Time of holding courts in,	690
Justices of the peace appointed,	704
Protection of oysters in,	715
Public road law for,	775-786
Exempt from paying special veniremen in capital cases,	833
Not liable for fees for subpoenas, or more than four witnesses in capital cases,	834
Authorized to purchase Brunswick bridge and ferry,	865
Protection of sturgeon in,	891
Use of wide tires for wagons encouraged,	897
 NEUSE RIVER :	
Fishing in, with certain nets,	439
Lawful fence in Johnston county,	469

NEUSE RIVER—CONTINUED.	PAGE.
Fishing in, in Lenoir county,	563
Certain license tax for fishing in,	572
NON-RESIDENTS:	
When party owning lands in county is a non-resident,	70
NORMAL SCHOOLS:	
Chapter relating to, repealed,	206
Management of colored, at Franklinton,	242
Trustees of colored normal school at Goldsboro,	548
Local board of managers for colored, at Fayetteville,	548
Special appropriation for State Normal and Industrial School,	688
Trustees appointed for Plymouth Normal School,	772
NORTHAMPTON COUNTY:	
School directors of,	28
Act relating to working roads of, repealed,	265
Dispensary established at Jackson,	321
Fee for registering crop lien in,	442
Number of commissioners increased,	477
Dispensary established at Seaboard,	504
Eastern district criminal court,	599-608
Holding inquests—affidavits before clerk of court,	614
Justices of the peace appointed,	703
Sale of liquor in Jackson township, except at dispensary, prohibited,	726
Public road law for,	775-786
Additions to pension roll of,	806
Included in criminal court district,	841
Hunting in Rich Square township,	901
NORTH CAROLINA INDUSTRIAL ASSOCIATION:	
Act amendatory of act incorporating,	206
NORTH RIVER:	
Obstruction of waters unlawful,	455
NORTH WHITAKER TOWNSHIP:	
Stock law in certain portions of,	592
O	
OATHS:	
Of list-takers and assessors,	65
Of taxpayers,	68
Validation of oaths administered to persons with uplifted hands,	145
May be administered by the chairman of county commissioners or board of education,	221
ODD FELLOWS:	
Property of, exempt,	71
OLD TOPSAIL INLET AND BEAUFORT HARBOR:	
Appointment of commissioner of navigation for, etc.,	33

	PAGE.
OMNIBUS BILL :	
Sale of liquor prohibited in many localities.	879-884
O'NEIL, JOSEPH :	
Appointed justice of the peace.	330
ON SLOW COUNTY :	
School directors of,	28
Short form of agricultural lien for,	109
Relative to oyster industry in,	110
Division of, in wreck districts,	209
Ex-Confederate soldiers pensioned,	549
Time of holding courts in,	690
Justices of the peace appointed for,	704
Obstruction of Harris' creek unlawful,	738
Additions to pension roll of,	806
Public highway established in,	888
Use of wide tires for wagons encouraged,	897
OPETINGER, JONAS :	
Appointed trustee Wilson graded school.	391
OPERA HOUSES :	
License tax on,	37
ORANGE COUNTY :	
School directors of,	28
Justices of the peace appointed for,	704
Public road law for,	775-786
Additions to pension roll of,	806
Commissioners authorized to issue bonds and levy special tax.	808
John K. Hughes, sheriff, authorized to collect tax arrears,	846
ORDINANCES :	
Of town; how proved on appeal from mayor's court,	414
ORGANS :	
Tax on dealers in,	44
ORDER :	
To collect taxes, endorsed by clerk,	76
ORPHAN ASYLUMS :	
Corporation commissioners given supervision of,	839
OVER-VALUATION :	
Commissioners shall hear complaint.	73
OYSTER INDUSTRY :	
Relating to regulations of,	110
New Hanover county included in provisions of certain act.	392
Protection of, in Topsail sound, Pender county.	645
Protection of, in New Hanover county,	715

## P

PAGE.	MRS. EMILY :	PAGE.
	Placed on pension list,	550
	<b>PALMER'S FORD :</b>	
	Building of bridge at,	375
	<b>PAMLICO COUNTY :</b>	
	School directors of,	28
	Protection of oyster industry in,	110
	Fast riding or driving over bridges prohibited,	327
	License tax for fishing in Neuse river,	439
	License tax for fishing in Neuse river,	572
	Number of commissioners increased,	612
	Bond of register of deeds,	722
	Public road law for,	775-786
	Act relative to fences in,	793
	Additions to pension roll of,	806
	Act to remedy defects in wills,	835
	<b>PAMLICO RIVER :</b>	
	Fishing in with pod or pyke nets prohibited,	845
	<b>PARIS EXPOSITION :</b>	
	Appointment of commissioners,	580
	Appointment of five additional commissioners authorized,	878
	<b>PARK, R. L. :</b>	
	School claim ordered paid to,	550
	<b>PARKER, JOHN H. :</b>	
	Appointed justice of the peace for Johnston county,	547
	<b>PARTITION PROCEEDINGS :</b>	
	Duty of clerks in relation to when proceeding is before them,	281
	<b>PARTNERSHIPS :</b>	
	Limited,	207
	<b>PASQUOTANK COUNTY :</b>	
	School directors of,	28
	Number of terms of court increased,	471
	Relating to appointment of justices of the peace,	546
	Fishing in Big or Little Flatty creek,	552
	Act to restore good government to,	641
	Justices of the peace appointed for,	704
	Relief for T. P. Wilcox, ex-sheriff,	744
	Public road law for,	775-786
	Additions to pension roll of,	806
	<b>PAWNBROKERS :</b>	
	To return value of property pledged and held,	46
	License tax on,	46

	PAGE.
PEANUT WEIGHERS :	
Relative to, in Edgecombe county,	277
PEDDLERS :	
In drugs, merchandise, etc., tax on,	42
PEELE, W. M. :	
School claim ordered paid to,	552
PENDER COUNTY :	
School directors of,	28
Short form of agricultural lien for,	109
Stock law of, amended,	334
Name of Shelter creek changed to Shelter river,	417
Ex-Confederate soldiers pensioned,	549
For protection of oysters in Topsail sound,	645
Time for holding courts,	690
Justices of the peace appointed,	704
Fishing in Black river prohibited,	713
Public road law for,	775-786
Written consent of owner of land to pick deer tongue or whortleberries,	788
Certain reports ordered furnished to,	849
Act for protection of sturgeon in Pender county,	891
PENITENTIARY : (See also STATE'S PRISON.)	
Investigations of management of,	30
PENSIONS :	
Names of certain soldiers and widows placed on roll,	804
Soldiers who have become totally blind since war entitled to certain benefits,	821
Certain inmates of Soldiers Home allowed to leave on reduced pension,	847
PENSION TAX :	
Levy,	35
PERJURY :	
Taxpayer making false returns,	69
PERQUIMANS COUNTY :	
School directors of,	28
Short form of agricultural lien for,	109
Fishing in Albemarle sound,	138
Number of commissioners increased,	220
Fast riding or driving over bridge at Hertford prohibited,	327
Relative to appointment of justices of the peace,	546
Ex-Confederate soldiers pensioned,	549
Act to restore good government to,	641
Justices of the peace appointed for,	704
Public road law for,	775-786

	PAGE.
PERSONAL PROPERTY :	
Tax on,	35
When and how listed,	67
When listed, residence,	68
Other than as specified, how listed,	70
May be sold under execution for taxes,	79
Railroad property, personal,	99
Removal of, or failure to list, a misdemeanor,	99, 100
PERSON COUNTY :	
School directors of,	28
Short form of agricultural lien for,	109
Certain investment for school funds,	550
Commissioners authorized to issue bonds,	579
Special tax levy to redeem outstanding bonds,	736
No election on local option to be held until 1901,	739
Additions to pension roll of,	806
School districts restored as formerly,	847
PHELPS, HENRY C.:	
Appointed magistrate,	316
PHELPS, JOHN L.:	
Time for settlement of State taxes extended,	766
PHILLIPS, ELLA I. :	
School claim ordered paid to,	855
PHOTOGRAPHERS :	
Itinerant, tax on,	38
Located photographers, tax on,	58
PHYSICIANS :	
License tax on,	48
Relative to license tax on,	223
PIANOS :	
Dealers in, special tax on,	44
Counties, cities and towns shall not levy other tax,	44
PILOT MOUNTAIN :	
Graded school in,	634
PITT COUNTY :	
School directors of,	28
Short form of agricultural lien for,	109
Commissioners authorized to levy special tax,	525
Relative to no-fence territory,	559
Prohibition near Bethlehem church,	571
Justices of the peace appointed,	715
Additions to pension roll of,	806
Dispensary established for Bethel township,	859
Act relating to sale of liquor near Reedy Branch church repealed,	867

PLYMOUTH NORMAL SCHOOL :	PAGE.
Trustees appointed for,	772
POLK COUNTY :	
School directors of,	28
Short form of agricultural lien for,	109
H. E. Markham appointed a justice of the peace for,	315
Working of public roads,	581
Sale of liquor near certain churches prohibited,	774
Public road law for,	775-786
POLL TAX :	
Between 21 and 50 years,	35
Poor and infirm exempted,	35
Exemption from,	63
How applied,	35
When listed, residence,	68
Failure to list a misdemeanor,	69
Listing of,	69
Persons failing to return, liable to double tax,	74
POPLAR BRANCH TOWNSHIP :	
Sale of wine, etc., in, unlawful,	436
PRESBYTERIAN CHURCH OF YANCEYVILLE :	
Incorporation of,	367
PRIVATE BUSINESS CORPORATIONS :	
Franchise tax in proportion to stock,	48
Failure to pay tax, forfeiture of charter,	48
Capital stock land companies not exceeding \$10,000, tax on,	49
PRIVATE EXAMINATION OF MARRIED WOMEN: (See MARRIED WOMEN.)	
PROBATES :	
Certain probates and registrations validated,	200
Of deeds extended to Bertie county,	202
Of short form of agricultural lien,	367
Of instruments in which clerks of court are interested,	390
PUBLIC BUILDINGS, BOARD OF :	
Election of keeper of capitol by,	359
Required to provide office for Insurance Commissioner,	792
PUBLIC PRINTING :	
Act putting printing in hands of Council of State repealed,	26
Regulation of,	372
Bureau of labor and printing established,	519
Supplementary act to,	728
Accounts for, by whom to be approved,	824
Powers of joint committee on,	899

	PAGE.
PUBLIC SCHOOL LAW :	
Revised and consolidated,	903
PUNGO TURNPIKE:	
Act authorizing repairing of,	792
PURE FOOD BILL :	
Act to prevent sale of adulterated food,	216-220
Supplementary act,	508
QUAKER BRIDGE ROAD :	
Ordered completed by State's Prison,	578
QUARRIES :	
When ownership of, is separate from land, how listed,	67
QUEWHIPPLE TOWNSHIP :	
Justices of the peace appointed for,	391
QUO WARRANTO PROCEEDINGS :	
Regulation of,	127
Service of process,	256

## R

RAILROAD COMMISSION: (See also CORPORATION COMMISSION.)	
Assessment by, of telegraph, telephone and express company's property,	51, 52
Assessments, how made,	52, 53
Assessment by, of sleeping car company's property,	54, 55
Empowered to list unlisted railroad property,	74, 75
Constituted board of appraisers,	81
Shall determine value of rolling stock, etc.,	82
Shall certify to county commissioners and mayor amount apportioned,	82
Investigation of claims of exemption from taxation by,	83
Examination of railroad property liable for taxation,	83
Railroads lying in two states, how assessed,	83
Power to examine witnesses, books and papers,	84
Shall deliver books, papers, etc., to corporation commissioners,	295
Abolition of,	658
RAILROAD COMPANIES: (See also RAILROADS.)	
Assessment of unlisted property of,	74, 75
Return of property,	81
To whom returnable,	81
Taxes on, when due,	83
Method of valuation of property,	82
Railroad lying in two states, how assessed,	83
Railroad commissioners constituted board of appraisers,	81
Claiming exemption from taxation,	83
Agents of, refusing to answer questions, guilty of contempt,	84
Tax on property, perpetual lien,	99
When foreign corporations, how domesticated,	197

RAILROAD COMPANIES—CONTINUED.		PAGE.
Jurisdiction of Corporation Commission over,		292
Shall submit agreements with other companies to Corporation Commission,		295
Certain schedules of rates received as prima facie evidence in courts,		296
Causes against. by Corporation Commission, how entitled,		297
Failure to file certain sworn statement,		298
Discrimination in rates; penalty,		301
Special excursion rates may be made,		302
Certain special rates permitted,		302
Penalty for violation of rules of Corporation Commission,		302
Right of action against, in county where injury is received,		303
Shall issue duplicate freight receipts,		303
Shall not diminish accommodations at stations except by consent,		304
Investigation of accidents resulting in loss of life,		305
Separate accommodations for travelers,		540
Beating way on trains a misdemeanor,		827
RAILROADS: (See also PRIVATE ACTS AND RAILROAD COMPANIES.)		
There was legislation concerning the following railroads:		
Roanoke Railroad and Bridge Company,		117
Richmond, Petersburg and Carolina Railroad Company,		127
Georgia Extension Railroad Company of North Carolina,		129
Atlantic and North Carolina Railroad,		135
East Tennessee and Western North Carolina Railroad,		141
Duplin and Wayne Railway Company,		198
Beaufort and Pamlico Railroad Company,		202
Petersburg Railroad Company,		208
Richmond and Petersburg Railroad Company,		208
Atlantic Coast Line Railroad Company of Virginia,		208
Wilmington and Weldon Railroad,		577
Management of A. and N. C. Railroad,		612
RALEIGH:		
Election of cotton weigher for,		518
RALEIGH TOWNSHIP:		
Authorized to issue bonds for schools,		468
RANDOLPH COUNTY:		
School directors of,		28
Protection of game in,		278
Treasurer authorized to pay school claims,		349
Treasurer authorized to pay school claims,		472
Time for holding court,		571
School claim ordered paid,		825
Stock law extended in Tabernacle township,		848
RANGES:		
Itinerant, dealers in; tax on,		45
RAY, DAVID J.:		
Appointed justice of the peace,		391

REAL ESTATE AGENTS :	PAGE.
Tax on,	57
REAL PROPERTY :	
How listed,	67
When listed,	67
Tax on,	35
How described in tax list,	69
Tax-lister shall report changes made in,	74
When division occurs, apportionment of commissioners,	77
Sale of, for taxes,	84
Shall not be sold, when sufficient personal property to pay taxes,	85
When sold for taxes not void because not entered in name of owner,	92
Definition of,	96
RECTOR, ENOCH :	
Act for relief of,	454
REEVES, WM. B. :	
School claim ordered paid to,	338
REEDY BRANCH CHURCH :	
Act relating to sale of liquor near, repealed,	867
REFRIGERATOR CAR COMPANIES :	
Assessment of property by railroad commission,	56
REGIMENTS OF NORTH CAROLINA :	
Sketches of, ordered printed,	124
REGISTER OF DEEDS :	
Shall keep record of stock returned by merchants,	41
Shall deliver copy of merchants' returns to sheriff,	41
Fee for services in returns of merchants,	41
Shall receive statement of liquor dealers.	41
License of peddlers countersigned by,	42
License for piano dealers countersigned by.	44
Annual statement of marriage licenses.	60
Shall furnish certificate of exemption from poll tax,	63
Tax list returnable to,	72
Copy of record of objection to valuation by,	73
Fee of, for record of objection,	74
Shall make out duplicate of tax list for each township,	75
Shall issue order to sheriff for collection of taxes, form of,	76
Compensation for computing taxes, etc.,	76
Shall return abstract to auditor,	76
Default in duties, forfeit,	76
Shall transmit to auditor copy of bond of clerk of court,	77
Shall keep record of sheriff's report,	101
Shall send abstract to auditor,	101
Compensation of, for registering short form of agricultural lien and chattel mortgage,	108

REGISTER OF DEEDS—CONTINUED.	PAGE.
Registration of deeds, how proven and acknowledged,	350
Fee for registering crop lien,	392
Fee for registering crop lien in Bertie, Hertford and Northampton counties,	442
Shall keep index of mortgages, liens, etc.; when indexed,	652
Bond of register of deeds of Pamlico county,	722
Of Robeson county, shall designate race in marriage license.	729
<b>REMAINDERMAN :</b>	
May hold land when redeemed, sold for taxes of life tenant,	100
<b>REMOVAL OF CASES :</b>	
From one court to another,	234
From one county to another, not applicable to pending cases,	687
<b>RESTORATION TO CITIZENSHIP :</b>	
Facilitation of,	139
Date of ratification corrected,	371
<b>REVENUE ACT :</b>	
An act to raise revenue,	35-61
Schedule " A,"	35
Schedule " B,"	37
Schedule " C,"	58
<b>RICHMOND COUNTY :</b>	
School directors of,	28
Short form of agricultural lien for,	109
Act establishing new school district repealed,	251
Scotland county organized from territory of,	256-262
Hunting partridges in,	552
Protection of fish and birds in Steele's township,	614
Justices of the peace appointed,	705
Public road law for,	775-786
Additions to pension roll of,	806
Additional justices of the peace for,	895
<b>RICHMOND AND PETERSBURG RAILROAD COMPANY : (See RAILROADS.)</b>	
<b>RICHMOND, PETERSBURG AND CAROLINA RAILROAD COMPANY :</b>	
Consolidation of,	127
<b>RIVERS : (See CREEKS AND RIVERS.)</b>	
<b>ROADS AND HIGHWAYS :</b>	
Wayne county exempt from provisions of certain road law,	127
Working of roads in Nash county,	222
Improvement of roads in Halifax county,	224
Working of roads in Graham county,	227
Working of roads in Jones county,	232
Special road tax may be levied in Lincoln county,	247

ROADS AND HIGHWAYS—CONTINUED.	PAGE.
Improvement of, in Anson county,	249
Act relating to working roads in Northampton county, repealed,	265
Powers of commissioners of Mecklenburg county, relative to,	268
Working of, in Washington county,	270
Working of, in Anson county, with convicts,	275
Improvement of, in Anson county,	281-290
Working of, in Cherokee county,	318
Working of, in Anson county, with convicts,	319
Time for laying off road in Wilkes and Ashe counties, extended,	350
Working of, in Greene county,	364
Improvement of, in New Hanover county,	381
Improvement of, in Macon county,	387
Improvement of, in Wake county,	415
Road law of Ashe, Alleghany and Watauga counties,	419-430
Commissioners of Robeson county authorized to work convicts on roads,	433
Public road in Transylvania and Jackson counties,	441
Working of, in Washington county,	471
Toll gate established in Mulberry Gap road,	482
Working of roads in Cumberland county,	488
Working of roads in Lexington township,	521-525
Quaker Bridge road ordered completed by State's Prison,	578
Working of, in Polk county,	581
Protection of, in Camden county,	586
Bonds for improvement of, by Monroe township, Union county,	593
Condemnation of foot paths to schools in Durham county,	628
Bonds for improvement of, in Cabarrus county,	642
Laying out road in Caldwell and Watauga counties,	708
Road ordered established in Alleghany through Ashe county,	709
Road law for Guilford county,	719
Special tax to be applied to, in Wilson county,	731
Improvement of, in Coddle Creek township, Iredell county,	732
Working of roads in Franklin county with convicts,	749
Working of roads in Chatham county with convicts,	755
Improvement of, in Mecklenburg county,	756
Bonds authorized in Alamance county for improvement of,	764
Provisions for better working of roads and highways of the State,	775-786
Hickory Nut turnpike declared a public highway,	799
For improvement of, in Union county,	800
For improvement of, in Haywood county,	813
Road law of Cabarrus county amended,	820
Road from Watauga to Wilkes county,	822
Vagrants may be worked on, in certain counties in lieu of fine,	829
Act for laying out road from Wilkes to Ashe county,	871
Special road tax for Raleigh township increased,	888
Public highway established in Onslow county,	888
Damage to, by shippers of wood,	894
Improvement of, by use of wide tires,	897

	PAGE.
ROANOKE RAILROAD AND BRIDGE COMPANY :	
Incorporation of,	117
ROARING RIVER :	
Made a lawful fence in Wilkes county,	767
ROBESON COUNTY :	
School directors of,	28
Short form of agricultural lien for,	109
Relating to probate of crop liens,	126
Appointment of special tax collector for,	200
Boundary line of certain townships changed,	314
Treasurer authorized to pay certain school claim,	345
Sale of certain unmixed juices in,	347
Treasurer authorized to pay school claims,	348
Commissioners authorized to work convicts on road,	438
Time for holding court fixed,	502
Mrs. Emily Page put on pension list,	550
Eastern district criminal court,	599-608
Revision and consolidation of stock laws,	638
Register of deeds shall designate race in marriage license,	730
R. A. McEachern allowed to collect tax arrears,	787
Justices of the peace appointed for,	819
ROCKINGHAM COUNTY :	
School directors of,	28
Short form of agricultural lien for,	109
Commissioners authorized to issue bonds,	361
Dispensary established at Madison,	400
Ex-Confederate soldiers pensioned.	549
Justices of the peace appointed for,	705
Public road law for,	775-786
Time for holding court in,	796
Additions to pension roll of,	806
Additional term of superior court,	892
ROCKY RIVER :	
Establishing of ferry across,	802
ROGERS, C. M.:	
State treasurer authorized to refund certain amount overpaid by Rogers,	334
ROLLING STOCK :	
Definition of, in taxing railroads,	82
ROWAN COUNTY :	
School directors of,	28
Short form of agricultural lien for,	109
Additional commissioners appointed,	320
Relative to cotton-weigher of,	360
Hunting without written consent of owner of land, unlawful,	415
Protection of cotton-buyers,	454

	PAGE.
ROWAN COUNTY—CONTINUED.	
Drainage of lowlands in,	473
Justices of the peace appointed,	705
Public road law for,	775-786
Additions to pension roll of,	806
State's Prison authorized to hire convicts to,	876
Improvement of roads by use of wide tires,	897
ROYAL ARCANUM :	
Property of, exempt,	71
RUNYON CREEK :	
Lawful fence,	572
RUTHERFORD COUNTY :	
School directors of,	28
Short form of agricultural lien for,	109
Appointment of magistrates for,	316
Treasurer authorized to pay school claim,	343
Commissioners authorized to levy special tax,	444
Drainage of lands in,	590
Justices of the peace appointed for,	705
Hickory Nut turnpike declared a public highway,	799
Additions to pension roll of,	806
Public drunkenness a misdemeanor,	812
RUTHERFORDTON :	
Dispensary act of amended,	409
S	
SALES :	
Of land for taxes,	84
Advertisement of,	84, 85
Certificate given purchaser, form,	86
Redemption of land,	87
Of taxes not due county to indemnify purchaser,	91
Fees of sheriff for certificate,	87
Partial redemption,	88
Fee of register for recording,	89
Real estate, when delivered to purchaser,	89
Second sale,	87
Undivided interests,	87
Notice to be given, publication to be made,	88
Purchaser to make affidavit,	88
Affidavit to be registered, fee for registering,	88
Fee for publication of notice of sale,	89
When conveyance to be made to purchaser,	89
When successors to sheriff to make conveyance,	89
Form of deed from sheriff to purchaser,	89
Deeds of sale, presumptive evidence in certain facts,	90

SALES—CONTINUED.	PAGE.
When titles are questioned,	91
Entry made of land erroneously sold,	91
Actions for recovery shall be brought within three years,	91
Acts of assessors and others valid,	92
Books, etc., of register or sheriff evidence of sale,	92
Irregularities in sale of real estate,	92
Of land of tenant for life,	100
SALARIES AND FEES:	
Of legislative clerks and employees,	32
Of treasurer of Buncombe county,	349
Of insurance commissioner,	147
Of corporation commissioners,	306
SALISBURY:	
Act relative to cotton weigher,	360
SAMPSON COUNTY:	
School directors of,	28
Short form of agricultural lien for,	109
Free passage of fish in Mingo creek,	207
Dispensary established at Clinton,	477
Time of holding courts in,	690
New school district created in,	741
Additions to pension roll of,	806
SCHOOLS:	
Directors of public schools appointed,	27
Liquor license for benefit of,	46
Dispensary franchise tax appropriated to,	48
Certain taxes applied to,	60
Property of, exempt from taxation,	71
Forfeit of sheriffs and tax collectors applied to,	85
Chapter relating to normal school for colored race repealed,	206
Elections for special tax, Beaufort county exempted,	207
Act establishing graded schools at Hayesville, repealed,	216
Act authorizing graded schools in Kinston,	225
Provisions for management of normal school at Franklinton,	242
For Court-house township, Camden county,	251
Act creating school district in Rockingham county, repealed,	251
Issue of bonds for, by city of Durham,	251
Act creating Chapel Hill district, No, 24, repealed,	290
Trustees appointed for Wilson graded schools,	391
Graded schools for Morganton,	395
Graded schools for Mount Airy,	397
Graded schools for Albemarle,	405
Special tax by Raleigh township for,	463
Graded school for Dobson,	465
Graded school for Clinton,	498

## SCHOOLS—CONTINUED.

	PAGE.
Graded school for Maxton,	498-500
Special school tax act repealed,	546 —
Certain investment of funds for schools of Person county,	550
Graded schools in Washington, Beaufort county,	553-557 —
Commissioners of Concord graded schools, etc.,	570 —
Meeting of school directors of Buncombe county,	585
School district created out of parts of Ashe and Alleghany counties, In Chadbourn township, Columbus county,	587 — 608-611 —
Condemnation of foot paths to school houses in Durham county,	628
Graded schools in Waynesville,	629-632 —
Graded schools in Pilot Mountain,	634-637 —
Supplementary school district for Washington Avenue, Columbus county,	655
Graded schools in Mount Olive,	716 —
Graded schools in Newbern,	735 —
New district created in Sampson county,	741
Incorporation of Slater Industrial and State Normal School,	752
Trustees appointed for Plymouth Normal School,	772
Act establishing graded schools at Hendersonville, amended,	818 —
Graded schools for Lincolnton,	825 —
Appropriation of \$100,000 made for public schools,	836 —
School districts of Person county restored,	847 —
New school district created in Alleghany county,	892 —

## SCHOOL CLAIMS :

To pay Ida V. Love,	337
To pay Miss Minnie L. Ford,	338
To pay William B. Reeves,	338
To pay Capt. W. T. R. Bell,	343
Treasurer of Surry county authorized to pay certain claims,	345
To pay Miss Mollie V. Britt,	345
To pay Annette G. Hooper,	348
To pay Miss L. L. Holt,	348
Treasurer of Halifax county authorized to pay certain claims,	349
To pay D. M. Weatherly,	349
To pay Annie L. Winston,	410
To pay S. D. Dellinger,	418
To pay Miss Effie V. Welch,	472
To pay Lillian Hill,	472
To pay George A. Gash,	541
To pay R. L. Park,	550
To pay Lizzie York,	551
To pay W. M. Peele,	552
To pay Miss Ida Christmas,	557
To pay George S. Leeper,	566
To pay Mary E. Rouse,	727
To pay principals of Henderson township, Vance county,	740
To pay S. M. Transon and son,	766
To pay Miss Ella Mastin,	766

## SCHOOL CLAIMS—CONTINUED.

PAGE.

Treasurer of Hertford county ordered to pay certain claims,	823
To pay J. A. McRae,	825
To pay Ella I. Phillips,	855
To pay Elmina Jeffrey,	878

## SCHOOL LAW :

Meeting of state board of education,	903
Separate fund of school moneys to be kept,	903
When state board shall issue warrant on auditor for counties,	903
Warrant of auditor only valid voucher in hands of treasurer,	903
Certain moneys to be paid in school fund,	903, 904
Commissioners may levy annual tax to supply deficiency,	904
Superintendent of public instruction authorized to have law printed, forms prepared, etc.,	905
Operation of public school system by superintendent of public instruction,	905
Superintendent may report cases of incompetency, etc., on part of county superintendent,	906
Clerical aid for state superintendent,	906
Appointment of county school directors,	906
Powers and duties of county school directors,	906, 907
Semi-annual apportionment of public school money,	907
Appropriation for teachers' institutes,	908
Time for meeting of school directors,	908
Election of township trustees, duties of, etc.,	909
District committee shall furnish census; may employ and dismiss teachers,	910
Annual statement by principal of school,	911
Committees empowered to receive deeds, grants, etc.,	911, 912
Committees may contract with teachers of private schools,	912
Contracts for teachers' salaries,	913
Requisites for county superintendent; election of,	913, 914
Duties and powers of superintendents,	914, 915
Compensation of superintendent,	916
Duties and powers of treasurer of school fund,	917-919
Settlement of business of fiscal year,	919
Taxes for school purposes,	920
Duties of teachers to maintain discipline and order, etc.,	920
Children admitted to public schools,	920-921
Beginning and termination of fiscal year,	921
Persons connected with schools prohibited from supplying goods, acting as agent, etc.,	921
Branches of study, text-books, etc.,	922
Election of state board of examiners,	922
Duties of state board of examiners,	922, 923
Levy of special school tax by municipalities,	923, 924
County commissioners may order election on special school tax in townships,	924
Adoption of school books,	925

	PAGE.
<b>SCOTLAND COUNTY :</b>	
School directors of,	28
Organization of,	256-262
Names placed on pension roll,	807
<b>SEABOARD :</b>	
Dispensary established at,	504
<b>SECRETARY OF STATE :</b>	
Authorized to distribute insanity laws,	26
Authorized to notify clerks of court of election of school directors,	29
Distribution of revenue and machinery acts by,	106
Required to furnish certain receipt books,	112
Ordered to furnish certain supreme court reports,	247
Authorized to make correction in date of ratification of certain bill,	371
Duties of, regarding public printing,	373
Authorized to issue land grant to Milton Moss, Jr.,	435
Authorized to furnish certain reports to clerk of Clay county court,	584
Shall prepare forms for election returns,	674
Shall record abstract of election returns,	680
Delivery by, of certificate of returns to state board of canvassers,	685
Authorized to pay accumulated grant funds to treasurer,	768
Shall issue certificates to corporations desiring to amend charter and record the same,	821
Authorized to furnish certain reports to Pender county,	849
Shall furnish supreme court with reprint of certain reports,	854
<b>SELMA :</b>	
Dispensary established at,	756-760
<b>SEWING MACHINES :</b>	
Manufacturers and agents of, license tax,	43
Penalty for failure to take out license,	43
<b>SHELBY :</b>	
Sale of whiskey in, except upon prescription, unlawful,	767
<b>SHELL-FISH INDUSTRY :</b>	
General supervision of,	111
Appointment of commissioners,	111, 112
Amendment to act ratified March 2nd, 1899,	116
<b>SHELTER CREEK :</b>	
Name of, changed to Shelter river,	417
<b>SHERIFFS AND TAX COLLECTORS :</b>	
Shall issue license to druggists to deal in liquor,	41
Shall have section 27 printed on piano dealers' license,	44
Collection of liquor license,	46
Collection of express, telephone, telegraph company's taxes when default is made,	54
Receiving annual statement of marriage licenses from registers of deeds,	60

SHERIFFS AND TAX COLLECTORS—CONTINUED.	PAGE.
Duty to report delinquent license tax,	61
Fees for serving notice in garnishment proceedings,	62
Shall report false returns,	69
When charged with more than true amount,	74
Delivery of tax list to, by clerk,	75
When to collect taxes, to give receipt,	77
Shall settle for previous year before collecting taxes,	77
Shall attend at court-house in September and November for receiving taxes,	78
Shall attend townships during October,	78
Fees for levy, sale and advertisement,	78
Shall attend townships during March to collect unpaid taxes,	78
Shall publish insolvent taxes,	79
Shall serve notice on owner of property before selling for taxes,	84
Duties of, in regard to sale of land for taxes,	84, 85
Penalty for purchasing property sold for taxes,	85
Failure to attend sales a misdemeanor,	85
Attempt to defraud owner by sale, penalty,	85
Fee of sheriff for making certificate of sale,	87
Sale of land by error,	91
Entry of land erroneously sold, to be made,	91
Shall not discount claims on county or town,	95
Definition of,	96
May issue certificates in name of county,	97
When required to account for tax collected by sale of real estate,	98
Record of taxes,	101
Shall submit report on first Monday in December,	101
When settlement shall be made,	102
State treasurer may extend time,	102
Deductions allowed by auditor in settlement,	102
Compensation of, in settlement with treasurer,	102
Penalty for failure to settle within time prescribed,	102, 103
Shall pay county taxes to county treasurer,	103
Date of settlement with treasurer,	103
Time of settlement of county taxes may be extended,	103
Certain deductions allowed,	104
Failure to make proper settlement with treasurer,	105
Duties of tax collector,	105
Sureties may collect on death of sheriff,	105, 106
Execution of process by,	122
Authorized to collect certain arrears,	192
Appointment of special tax collector for Robeson county,	200
Relief for J. P. Leach, late sheriff of Montgomery county,	344
Time for settlement by tax collector of Buncombe county extended,	409
Appointment of special tax collector for Wilkes county,	445
Compensation for serving notices under election law,	679
Election of tax collector for Charlotte township, Mecklenburg county,	870

	PAGE.
SHOOTING GALLERIES :	
Tax on,	38
SIDE SHOWS :	
Tax on,	38
SIMMS, A. J. :	
Appointed trustee Wilson graded schools,	391
SKATING RINKS :	
Tax on,	38
SKETCHES OF NORTH CAROLINA REGIMENTS :	
Publication of, ordered,	124
SLATER INDUSTRIAL AND STATE NORMAL SCHOOL :	
Incorporation of,	752
SLOT MACHINES :	
When return is uncertain,	38
License shall not relieve from penalties,	38
SLEEPING CAR COMPANIES :	
Assessment of property by Corporation Commission,	54, 55
Failure to pay tax,	56
Regulation of, by Corporation Commission,	292
SMITHFIELD :	
Dispensary established at,	228
SOCIAL CLUBS :	
Selling liquor, license tax,	46
SOLDIERS HOME :	
Annual appropriation for,	806
Inmates of, not eligible to general pension roll,	807
Special appropriation for,	896
SOUTH CAROLINA AND GEORGIA EXTENSION RAILROAD COM- PANY :	
Act supplemental to an act approving organization of,	838
SOUTHERN PINES :	
Tax collector authorized to collect tax arrears,	721
SPEAR, C. J. :	
Appointed magistrate,	316
SPECIAL TAXES :	
By commissioners of McDowell county,	214
By town of Kinston for graded schools,	225
Ordered levied by commissioners of Watauga county,	242
Ordered levied by commissioners of Elizabeth City,	245
Special road tax in Lincoln county,	247
Ordered levied by commissioners of Clay county,	248
Commissioners of Bertie county authorized to levy special tax,	278

## SPECIAL TAXES—CONTINUED.

PAGE.

For road purposes by commissioners of Anson county,	283
By commissioners of Nash county,	329
By commissioners of Pender county,	334
By commissioners of Rockingham county,	361
By commissioners of Moore county,	369
For road purposes in New Hanover county,	382
For road purposes in Macon county,	387
Increase of, in Graham county,	394
For school purposes in Morganton,	395
For school purposes in Mount Airy,	397-400
For school purposes in Albemarle,	405
By commissioners of Transylvania county,	410
By commissioners of Anson county,	434
By commissioners of Haywood county,	440
By commissioners of Forsyth county,	443
By commissioners of Rutherford county,	444
By commissioners of Alleghany county,	448
By commissioners of Gates county,	461
By Raleigh township for school purposes,	463
For school purposes in Dobson, Surry county,	468
By commissioners of Swain county,	485
By commissioners of Tyrrell county,	495
By commissioners of Jackson county,	497
For graded schools in Maxton,	499
By commissioners of Ashe county,	500
By commissioners of Greene county,	501
By commissioners of Lincoln county,	501
For working roads in Lexington township,	521-525
By commissioners of Pitt county,	525
By commissioners of Beaufort county,	535
By commissioners of Nash county,	539
By commissioners of Hyde county,	553
For graded schools in Washington, Beaufort county,	553-557
By commissioners of Wilkes county,	559
For jail and court-house, by commissioners of Alexander county,	560
By commissioners of Caldwell county,	564
By commissioners of Caswell county,	574
For making out certain tax lists in Cherokee county,	578
By commissioners of Person county,	579
For working roads of Polk county,	581
For working roads of Monroe township, Union county,	593-598
For schools in Chadbourn township, Columbus county,	608-611
Amount of, in Montgomery county reduced,	614
For graded schools, etc., at Waynesville,	629
For graded schools at Pilot Mountain,	634
For stock law expenses in Robeson county,	639
By commissioners of Camden county,	642

## SPECIAL TAXES—CONTINUED.

	PAGE.
By commissioners in Cabarrus county,	642
Act authorizing commissioners of Beaufort county to levy special tax, amended,	651
By commissioners of Caldwell county,	654
For school purposes in Columbus county,	655
For stock law purposes in Cumberland county,	689
By commissioners of Duplin county,	691
For Mount Airy township, Surry county,	711
For graded schools in Mount Olive,	716
By commissioners of Gaston county,	725
By commissioners of Halifax county,	726
For road improvements in Coddle Creek township, Iredell county,	732
For schools in Newbern,	735
For redeeming bonds in Person county,	736
For road improvements in Mecklenburg county,	756
By Murfreesboro township, Hertford county,	762
For road improvements in Alamance county,	764
Special road tax by various counties,	775-786
By commissioners of Orange county,	808
For graded schools at Lincolnton,	825
By commissioners of Union county, to fund current indebtedness,	834
By commissioners of Mitchell county, to settle indebtedness,	839
For road purposes in Raleigh township, increased,	888
SPIRIT MEDIUMS :	
Tax on,	638
STAGE COMPANIES :	
Listing of property,	70
STANLY COUNTY :	
School directors of,	28
Protection of cotton buyers of,	454
Time for holding courts changed,	540
Justices of the peace appointed,	705
Public road law for,	775-786
Ferry across Rocky river,	802
Additions to pension roll of,	806
Justices of the peace appointed for,	866
STATE DEBT :	
Time for settlement of, etc., extended,	542
STATE GUARD :	
Provisions for maintenance, etc.,	543-545
Relative to naval battalion of,	577
STATE'S PRISON :	
Incorporation of,	119
Meeting of directors,	146
Act authorizing test for possession,	244

STATE'S PRISON—CONTINUED.	PAGE.
Mileage and per diem of directors ordered paid,	339
Appropriation for incidental expenses,	475
Ordered to complete certain road,	578
Good behavior of convicts; diminution of sentence,	587
Vacancies on board of directors, how filled,	801
Bonds ordered issued to pay debts of,	810
If act creating, is declared unconstitutional, certain powers in directors as individuals,	831
Investigation of,	855
Annual appropriation for,	869
Authorized to hire convicts for Rowan and Buncombe counties,	876
STATE TREASURER: (See TREASURER, PUBLIC.)	
STATESVILLE:	
Fees of cotton-weigher in,	433
STATISTICS, DEPARTMENT OF:	
Reorganization of,	526
STEAMBOAT COMPANIES:	
Listing of property,	79
Assessment of property,	84
Regulation of, by Corporation Commission,	292
Special excursion rates may be made,	302
Separate accommodation for races,	539
STEELE'S TOWNSHIP:	
Relative to hunting and fishing in,	614
STEVEDORES:	
Persons or corporations engaged in business of loading vessels to obtain license,	798
STOCK LAWS:	
Of Henderson county amended,	240
Of Jackson county amended,	262
Repeal of certain stock law act for Halifax county,	266
Stock law for Edgecombe county,	266
Keeping of stock in Tyrrell county,	278
Special tax for fences in Nash county,	329
Pender county stock law amended,	334
Graham county, ranging of certain live stock prohibited,	416
In New Hanover county,	432
Cross Creek township, Cumberland county,	452
In Chatham county,	462
White Oak township, Bladen county,	485
In Johnston county,	492
In Franklin county,	558
Territory in Pitt county,	559
Fence in Beaufort county,	567

## STOCK LAWS—CONTINUED.

PAGE.

Runyon creek a lawful fence,	572
In certain portions of Nash county,	573
In certain portions of Nash county,	592
Revision and consolidation of, for Robeson county,	638
In certain portions of Cumberland county,	688
Protection of cattle from splenetic fever,	730
Extended in Tabernacle township, Randolph county,	848
Act for restoration of, to Roanoke township, Warren county,	849
Relative to fences in Harnett county,	868
Keeping up fences in Lenoir and Greene counties,	372
Fence in Number Seven township, Craven county, shortened,	875

## STOCKS:

Bank stock, taxes on, by whom paid,	35
Assessment of,	35
Action against banks failing to pay,	35
Definition of,	96

## STOCK JOBBERS: (See BANKS.)

## STOKES COUNTY:

School directors of,	29
Violators of hunting law, how prosecuted,	360
Justices of the peace appointed for,	712
Act for relief of James C. Wall,	790
Time for holding court in,	796
Additions to pension roll of,	807

## STOCKS:

Itinerant dealers in, tax on,	45
-------------------------------	----

## STRAUGHAN, F. M.:

Act for relief of,	456
--------------------	-----

## STREET RAILROAD TRANSPORTATION COMPANIES:

Listing of property,	79
----------------------	----

## SUBPŒNAS:

Issued by Corporation Commission,	299
-----------------------------------	-----

## SUPERINTENDENT OF PUBLIC INSTRUCTION: (See also SCHOOL LAW.)

Shall issue warrants in favor of county treasurers for pro rata part of special school appropriation,	836
---	-----

## SUPREME COURT:

Judges of, shall administer oaths to corporation commissioners,	391
Vacancies in, how filled,	818

## SUPREME COURT REPORTS:

Reduction in price of,	135
How bound,	373

	PAGE.
<b>SURETY COMPANIES :</b>	
Execution of bonds by, etc.,	136
Bonds of officers in, may be accepted,	264
Shall not be accepted on bonds of Craven county officers,	333
May include amount paid bonding company in expenses,	136
<b>SURRY COUNTY :</b>	
School directors of,	29
Restoration of Mt. Airy township,	311
Constables appointed for Mt. Airy township,	324
Treasurer ordered to pay school claims,	345
Dobson authorized to issue bonds for schools,	465
Consent of owner necessary to hunt on lands,	488
Western district criminal court,	511-517
C. Thompson appointed a justice of the peace,	547
Ex-Confederate soldiers pensioned,	549
School claim ordered paid,	550
Justices of the peace appointed,	705
Mt. Airy township authorized to issue bonds,	710
New township created,	731
Time for holding courts in,	796
Additions to pension roll of,	807
Change in time of holding courts,	893
<b>SURVEYORS :</b>	
Shall test needles on meridian monuments,	850
<b>SWAIN COUNTY :</b>	
School directors of,	29
Supreme court reports for,	247
Commissioners authorized to issue bonds,	485
Time for holding court in, changed,	535
Unlawful to throw sawdust in creeks or rivers,	584
Time for holding superior court in,	653
Dispensary established at Bryson City,	744-749
Public road law for,	775-786
Additions to pension roll of,	807
Time for settlement for state taxes, extended,	820
<b>SWAMP LANDS :</b>	
Appointment of agent to superintend,	375
How reclaimed and utilized,	380
<b>TAR RIVER :</b>	
Bridge across,	539
Fishing in, with pod or pyke nets prohibited,	845
<b>TAX COLLECTOR :</b> (See SHERIFFS AND TAX COLLECTORS.)	
<b>TAXES :</b> (See also SPECIAL TAXES.)	
Payable in national currency,	35
How applied,	35

TAXES—CONTINUED.	PAGE.
Payable within sixty days after demandable,	63
Property belonging to United States, states, counties and towns, exempt,	71
When due,	77
Definition of,	96
Sheriffs authorized to collect certain arrears,	192
<b>TAX LIST :</b>	
To be taken in June,	66
Persons required to list,	66
Attempt to evade full return,	70
When returnable by list-taker,	72
Revision of, by commissioners,	73
Shall have force of judgment,	75
<b>TAXPAYERS :</b>	
Oath of,	68
Misdemeanor to refuse to answer questions,	71
Complaint of over-valuation,	73
<b>TAX RECEIPT :</b>	
County treasurer shall give, on sale of land,	86
<b>TAX SALES :</b> (See SALE OF LAND FOR TAXES.)	
<b>TAYLOR, L. G. L. :</b>	
Appointed justice of the peace,	316
<b>TEAGUE, J. F. :</b>	
Time for settlement of taxes extended,	820
<b>TELEGRAPH COMPANIES :</b>	
Annual statement of,	49
Failure to file statement, penalty,	51
Failure to pay taxes assessed, action may be instituted.	53
Tax on gross receipts,	59
Regulation of, by Corporation Commission,	292
<b>TELEPHONE COMPANIES :</b>	
Shall file annual statement with auditor,	49
Failure to file statement, penalty.	51
Failure to pay taxes assessed, action may be instituted,	53
Tax on gross receipts,	59
Code amended, relative to,	199
Subject to same regulations as telegraph companies,	216
Regulation of, by Corporation Commission,	292
<b>TEMPERANCE :</b>	
Act promoting,	280
Sale of unmixed juice in Robeson county,	347
Sale of liquor in Mitchell county,	393
<b>TERRAPIN :</b>	
Taking of diamond back, and destroying eggs of,	787

	PAGE.
THOMPSON, C. :	
Appointed a justice of the peace for Surry county.	547
TIMBER INTERESTS :	
When interest in, is separate from land, how listed,	67
Act relative to timber getters in Tyrrell county repealed,	347
TITLES :	
When title to property sold by sheriff is questioned,	91
Buying and selling of pretended rights or titles,	138
To office, how tried, etc.,	144
TOLL RATES AND GATES :	
Reduction of, for Brunswick Bridge and Ferry Company,	339
Toll gates on Mulberry Gap,	482
TOPSAIL SOUND :	
Protection of oysters in, in Pender county,	645
TRANSON, S. M. :	
School claim ordered paid to,	766
TRANSYLVANIA COUNTY :	
School directors of,	29
Commissioners of authorized to levy special tax,	410
Construction of certain public road,	441
Fishing in French Broad river at certain times unlawful,	469
Unlawful to throw sawdust in streams,	584
Time for holding superior court in,	653
Justices of the peace appointed for,	705
Protection of cattle from splenetic fever,	730
Additions to pension roll of,	807
TREASURER, PUBLIC :	
State treasurer may issue duplicate copy of license,	43
Shall print section 26 on face of license,	44
Sum of \$2,500 appropriated to collect taxes,	61
Duties in collection of bank stock taxes,	67
Tax-lister governed by his decision in certain matters,	70
Shall refund excess charged to and paid by sheriff,	74
Shall refund taxes levied for unauthorized or illegal purposes,	94
May extend time of settlement of sheriffs,	102
May grant indulgence to defendants in execution,	104
Investigation of office,	125
Ordered to deliver certain books to Corporation Commission,	295
Amount overpaid by C. M. Rogers ordered refunded,	336
Authorized to pay mileage and per diem to new directors of State's Prison,	339
Authorized to pay certain land tax to Mrs. R. Z. Fewell,	364
Time of settlement with tax collector of Buncombe county extended,	409
Duty of, in regard to extension of time to compromise state debt, etc.,	542
Sheriff of Martin county granted extension of time to settle taxes with,	546
Authorized to pay warrants of members of state board of elections,	660

TREASURER. PUBLIC—CONTINUED.	PAGE.
Accumulated land grant funds ordered paid to, by secretary of state,	768
Authorized to issue bonds to pay off debts of State's Prison,	810
Authorized to pay claim in favor of Festus Miller and Thos. Campen,	889
Authorized to pay warrant in favor of L. A. Garner and M. A. Hill,	894
<b>TRUSTS :</b>	
Act providing for punishment of promoters of,	852
<b>TURPENTINE ORCHARDS :</b>	
Relative to lease of,	245
<b>TYRRELL COUNTY :</b>	
School directors of,	29
Fishing in Albemarle sound,	138
Keeping live stock,	278
Act relating to timber getters repealed,	347
Commissioners authorized to levy special tax,	495
Fishing in mouth of Frying Pan creek prohibited,	592
Justices of the peace appointed for,	705
Public road law for,	775-786
Additions to pension roll of,	807
Unlawful to kill unmarked cattle in,	897
<b>U</b>	
<b>UNION COUNTY :</b>	
School directors of,	29
Time of courts changed,	540
Monroe township authorized to issue bonds for road improvements,	593-598
Dispensary act of, amended,	646
Justices of the peace appointed,	706
Act relative to election of cotton weighers in,	787
Improvement of public roads,	800
Additions to pension roll of,	807
Commissioners authorized to use certain funds for benefit of aged and infirm,	830
Bonds may be issued and special tax levied to fund current indebtedness,	834
<b>UNDERTAKERS :</b>	
License tax on,	58
<b>UNITED STATES :</b>	
Permission given, to acquire lands for fish cultural station,	34
<b>UNIVERSITY OF NORTH CAROLINA :</b>	
Special appropriation of \$7,500 for waterworks and sewerage,	813
<b>V</b>	
<b>VAGRANTS :</b>	
Beating way on trains, misdemeanor,	827
May be worked on roads in certain counties in lieu of payment of fine,	830
<b>VALIDATION OF OATHS :</b>	
When oath is administered with uplifted hands,	145

VALUATION :	PAGE.
Valuation of property, when objection to,	73
VANCE COUNTY :	
School directors of,	29
Short form of agricultural lien for,	109
Additional justices of the peace appointed,	503
Relating to appointment of justices of the peace,	546
Act to restore good government to,	641
School claims in Henderson township ordered paid,	740
Public road law for,	775-786
Additions to pension roll of,	807
Second week May term of court abolished,	840
VANCE MONUMENT ASSOCIATION :	
Appropriation of \$5,000 to,	766
VESSELS :	
Persons or corporations engaged in loading, to obtain license,	798
VIRGINIA AND CAROLINA RAILROAD COMPANY :	
Consolidation of,	127
W	
WAKE COUNTY :	
School directors of,	29
Improvement of public roads,	415
Number of commissioners increased,	437
Raleigh township authorized to issue bonds for schools,	463
Consent of owner of land necessary to hunt,	491
Election of cotton-weighers for Raleigh,	518
Justices of the peace appointed,	706
Certain dams on Walnut creek may be removed,	727
Additions to pension roll of,	807
Special road tax for Raleigh township increased for road purposes,	888
WALL, JAMES C. :	
Act for relief of,	790
WALLER, WILLIAM H. :	
Appointed commissioner of Granville county,	440
WALNUT CREEK :	
Dams deleterious to water may be removed,	727
WALNUT HILL TOWNSHIP :	
Boundary line and voting place of, changed,	453
WARD'S CREEK :	
Obstructions in, unlawful,	431
WARREN COUNTY :	
School directors of,	29
Additional commissioners appointed,	470

	PAGE.
WARREN COUNTY—CONTINUED.	
Relating to appointment of justices of the peace,	546
Concurrent criminal jurisdiction restored to courts,	573
Eastern district criminal court,	599-608
Dispensary established at Warrenton,	622-628
Act to restore good government to,	641
Justices of the peace appointed for,	707
Public road law for,	775-786
Additions to pension roll of,	807
Stock law restored to Roanoke township,	849
WARRENTON :	
Dispensary established at,	622-628
WASHINGTON :	
Graded schools for,	553-557
WASHINGTON AVENUE :	
Supplemental school district for,	655
WASHINGTON COUNTY :	
School directors of,	29
Short form of agricultural lien for,	109
Fishing in Albemarle sound,	138
Working of public roads,	270
Appointment of additional commissioners,	310
Appointment of justices of the peace,	316
Working of public roads,	470
Justices of the peace appointed for,	502
Act relating to appointment of justices of the peace,	546
Act to restore good government to,	641
Time for settlement by sheriff extended,	766
Public road law for,	775-786
State's Prison authorized to furnish convicts for repair of turnpike,	792
Additions to pension roll of,	807
Act creating Beaver Dam township repealed,	828
WATAUGA COUNTY :	
School directors of,	29
Short form of agricultural lien for,	109
Commissioners authorized to levy special tax,	242
Protection of mountain trout in,	418
Road law of,	419-430
Ex-Confederate soldiers pensioned,	549
Justices of the peace appointed,	706
Time for holding courts in,	794
Additions to pension roll of,	807
Public road ordered laid out to Wilkes county,	822
Relative to fishing in New river,	837
WATER SUPPLIES :	
Protection of,	857

	PAGE.
WATSON, W. M. :	
Clerk of court of Craven county, relief for,	273
Clerk of court of Craven county, relief for,	320
WAXWORKS :	
Tax on,	38
When exempted,	38
WAYNE COUNTY :	
School directors for,	29
Short form of agricultural lien,	109
Exempted from provisions of certain road law,	127
Election of cotton weighers for,	318
School claim ordered paid,	552
Additions to pension roll of,	807
WAYNESVILLE :	
Graded schools and electric lights for,	629-634
WEATHERLY, D. M. :	
School claim ordered paid to,	349
WELCH, MISS EFFIE V. :	
School claim ordered paid to,	472
WESTERN DISTRICT CRIMINAL COURT: (See CRIMINAL COURTS.)	
WHARVES :	
Certain act relating to, repealed,	900
WHITEHEAD TOWNSHIP :	
Created in Alleghany county,	761
WHITE HOUSE TOWNSHIP :	
Boundaries of, changed,	314
WHITE OAK TOWNSHIP :	
Stock law in,	485
WHITEVILLE :	
Dispensary established at,	615-621
WIDE TIRES :	
For improvement of roads in certain counties,	897
WILKESBORO :	
Retail liquor license in,	359
WILLS :	
Transfer of contests,	62
Probate of, when witnesses non-residents,	191
Cross-indexing of,	241
Act to remedy defect in Pamlico county,	835
WILKES COUNTY :	
School directors of,	29
Time extended for building certain road,	350

WILKES COUNTY—CONTINUED.	PAGE.
Retail liquor license in Wilkesboro,	359
Appointment of special tax collector for,	444
Obstruction of waters in Fishing creek, unlawful,	455
Establishment of toll gate on Mulberry Gap road,	482
Consent of owner of land, necessary to hunt,	497
Ex-Confederate soldiers pensioned,	549
Commissioners authorized to levy special tax,	550
Justices of the peace appointed,	706
County line between Alleghany and Wilkes changed,	763
Roaring river made a lawful fence,	767
Time for holding court in,	796
Additions to pension roll of,	807
Public road ordered laid out to, from Watauga county,	822
Road ordered laid out from Wilkes to Ashe county,	871
WILSON COUNTY :	
School directors of,	29
Short form of agricultural lien for,	109
Time for holding courts changed,	581
Eastern district criminal court,	599-608
Justices of the peace appointed,	706
D. Worthington appointed a justice of the peace for,	718
Special taxes to be applied to working roads,	731
Drainage of Hominy swamp,	751
Public road law for,	775-786
Use of wide tires for wagons encouraged,	897
WILSON :	
Trustees appointed for graded school of,	391
WILCOX, T. P. :	
Ex-sheriff of Pasquotank county, relief for,	744
WINDSOR :	
Time for holding municipal election,	650
WINSTON, ANNIE L. :	
School claim ordered paid to,	410
WINTON :	
Time for holding municipal election,	650
WITNESSES :	
Examination of, before trial,	199
WOOD DEALERS: (See COAL AND WOOD DEALERS.)	
WOOTEN, W. P. :	
Appointed trustee of Wilson graded school,	391
WRECK DISTRICTS :	
Counties composing, etc.,	209

## Y

	PAGE.
YADKIN COUNTY :	
School directors of,	29
Act relative to hunting in. amended,	277
Put in seventh congressional district,	564
Justices of the peace appointed for,	708
Public road law for,	775-786
Additions to pension roll of,	807
YADKIN RIVER :	
Obstruction by dams,	542
YANCEY COUNTY :	
School directors of,	29
School claim ordered paid,	418
Western district criminal court,	511-517
Protection of domestic animals in,	576
Persons driving stock into, for ranging purposes,	648
Justices of the peace appointed,	708
Time for holding courts of,	795
Additions to pension roll of,	807
YANCEYVILLE :	
Presbyterian church incorporated,	367
YORK, LIZZIE :	
School claim ordered paid to,	551

# INDEX TO RESOLUTIONS.

---

A	
	PAGE.
A. AND M. COLLEGE :	
Time fixed for electing trustees of,	976
Committee appointed to recommend trustees for,	971
For colored race at Greensboro,	973
Time fixed for election of trustees for college at Raleigh,	973
Time fixed for election of trustees for college at Greensboro,	976
AGRICULTURE, BOARD OF :	
Appointment of committee to nominate fourteen members of,	968
Election of,	972
AGRICULTURE, COMMISSIONER OF :	
Time fixed for election of,	976
AGRICULTURAL DEPARTMENT :	
Time fixed for election of directors,	976
ABBOTT, J. K.:	
Expenses of, for visiting penitentiary farms directed paid,	967
ARSENAL, STATE :	
Relating to removal of,	961
AMENDMENT :	
Resolution favoring amendment to federal constitution, looking to election of United States senators by popular vote,	953
AVERETT, REV. JAMES BATTLE :	
Arrangements for delivery of lecture by, in the House,	955
B	
BAGLEY MONUMENTAL ASSOCIATION :	
Permission given to, to erect memorial in honor of Worth Bagley,	954
BRYAN OF MADISON :	
Reimbursed expense incurred in visiting University and Greensboro Normal School,	968
C	
CAPITOL :	
Ventilation of,	963
Date set for election of keeper of,	969
COMMISSIONERS, RAILROAD :	
Date set for election of,	969

	PAGE.
CARR OF DUPLIN:	
Reimbursed expense incurred in visiting University and Greensboro Normal School,	968
CANNON, A.:	
Contested election expenses ordered paid,	956
CALVERT, M. S.:	
Claim ordered paid to,	977
CAPE CHANNEL:	
Resolution instructing representatives in congress to introduce bill to appropriate sufficient amount to establish light beacon at,	956
CLAIM:	
Against national government arising from war with Spain,	959
CLAIMS ORDERED PAID:	
M. S. Calvert,	977
Royall and Borden Furniture Company,	977
W. Cooper,	977
J. B. Smith,	977
COGHLAN, CAPT. JOSEPH:	
Resolution of thanks tendered,	967
COMMITTEES:	
Appointment of joint committee to whom bills on court districts to be referred,	953
Appointment of joint committee to examine laws of 1895-'97 and recommend repeals,	953
To investigate suspension of J. W. and S. O. Wilson as railroad commissioners,	954
To make arrangements for lecture by Rev. James Battle Averett,	955
To investigate payment of money out of treasury,	957
CONTESTED ELECTION EXPENSES:	
Expenses ordered paid A. Cannon,	956
Expenses ordered paid J. A. Franks,	958
Expenses ordered paid George Dees,	960
Expenses ordered paid Dudley Paul,	960
Expenses ordered paid G. G. Eaves,	963
Expenses ordered paid W. L. Lambert,	963
Expenses ordered paid S. C. Kerley,	965
Expenses ordered paid W. J. Souther,	965
Expenses ordered paid W. E. Harris,	966
Expenses ordered paid Frank P. Jones,	973
Expenses ordered paid F. M. White,	968
COOPER, R. L.:	
Paid for attendance as witness before judiciary committee,	975
COOPER, W.:	
Warrant ordered drawn in favor of,	977

	PAGE.
CRUMPLER, R. M.:	
Expenses of, for visiting penitentiary farms directed paid,	967
CORPORATION COMMISSIONERS:	
Time set for election of,	972
CRAIG, LOCK:	
Reimbursed expense incurred in visiting University and Greensboro Normal School,	968
CRISP, SENATOR JOEL L.:	
Expenses of, for visiting hospital for insane at Goldsboro directed paid,	970
CRIMINAL COURTS:	
Time set for election of judges of eastern and western,	972

## D

DAVIS, P. A.:	
Reimbursed expense incurred in visiting University and Greensboro Normal school,	968
DEES, GEORGE:	
Election expenses ordered paid to,	970
DEAF AND DUMB SCHOOL:	
Board of directors of, at Morganton, when elected,	963

## E

EATON, J. Y.:	
Expenses of, for visiting Hospital for Insane at Goldsboro, directed paid,	970
EAVES, G. G. AND LAMBERT, W. L.:	
Expenses of contest for seats of W. J. Souther and S. C. Kerley, paid,	963
ELECTION, STATE BOARD OF:	
Appointment of committee to nominate eight members of state board of election,	971
Time set for election of,	972
ELLINGTON, MISS:	
Amount ordered paid for certain typewriting services,	974
ELIZABETH CITY AND CAMDEN FERRY COMPANY:	
Resolution relating to application for incorporation,	957
EDWARDS & BROUGHTON:	
Form of contract for public printing,	978-982

## F

FISH COMMISSIONER:	
Certain bill ordered forwarded to, at Washington,	957
FRANKS, J. A.:	
Election contest, expenses ordered paid,	958

FREEDMEN'S SAVINGS AND TRUST COMPANY :	PAGE.
Resolution of instruction to senators and representatives in Congress relating to,	965
G	
GOVERNOR'S MESSAGE :	
Committee on public printing ordered to have five hundred copies printed,	954
GREENSBORO NORMAL SCHOOL :	
Visiting committee to be paid expenses incurred,	968
GENERAL ASSEMBLY :	
Date of adjournment fixed,	974
Funeral expenses of deceased members ordered paid,	975
Extra allowance to laborers and clerks,	976
II	
HARRIS, W. E. :	
Treasurer directed to pay expenses of contest for seat of Leon Scull,	966
HARRISON, H. S. :	
Treasurer directed to pay, for visiting penitentiary farm,	967
HAWAII :	
Secretary of state authorized to exchange certain publications,	970
HOSPITAL FOR INSANE AT MORGANTON :	
Auditor authorized to draw certain warrant,	972
HOSPITAL FOR INSANE :	
Sub-committee reimbursed necessary expenses in visiting Hospital for Insane at Goldsboro,	970
HOUSE COMMITTEE :	
Expenses of, for visiting Hospital for Insane at Goldsboro directed paid,	970
I	
INSURANCE COMMISSIONER :	
Time set for election of,	972
J	
JUSTICES OF THE PEACE :	
Regarding election of,	962
JAMES (SENATOR) OF PITT :	
Reimbursed expense incurred in visiting University and Greensboro Normal School,	968
JONES, FRANK P. :	
Contested election expenses directed to be paid,	973
K	
KEEPER OF CAPITOL :	
Date set for election of,	973

	PAGE.
KERLEY, S. C., AND SOUTHER, W. J. :	
Treasurer directed to pay expenses of, for contest of seats of W. L. Lambert and G. G. Eaves,	965
KENNETT, J. C.:	
Reimbursed expense incurred in visiting University and Greensboro Normal School,	968
L	
LABOR BUREAU :	
Time fixed for election of commissioner of,	977, 983
LAMBERT, W. L., AND EAVES, G. G. :	
Expense of contest for seats of W. J. Souther and S. C. Kerley paid,	963
M	
MCNEILL, DR. D. B.:	
Expenses of, for visiting Hospital for Insane at Goldsboro directed paid,	970
MCINTYRE, STEPHEN :	
State treasurer authorized to pay \$111.45,	962
MAUNEY OF CHEROKEE :	
Reimbursed expense incurred in visiting University and Greensboro Normal school,	968
MORGANTON :	
Deaf and dumb school, treasurer authorized to pay Stephen McIntyre, chairman. etc., \$111.45,	962
When board of directors of deaf and dumb school at, elected,	963
MURRAY, SENATOR THOMAS J. :	
Expenses of, for visiting Hospital for Insane at Goldsboro directed paid,	970
N	
NICHOLSON, B. B.:	
Treasurer directed to pay expenses of, incurred in attending funeral of Mrs. C. W. Davis,	964
NORWOOD, W. L.:	
Salary of, for June, July and August. 1898, directed paid,	963
P	
PAGES :	
Extra allowance for,	972
PAMLICO SOUND :	
Resolution relative to light beacon at Cape channel,	956
PAUL, DUDLEY :	
Election expenses ordered paid to,	960
PENITENTIARY :	
Report of condition of, called for,	962
Certain expenses connected with penitentiary farms directed paid,	967

	PAGE.
PARIS EXPOSITION :	
Four additional commissioners to, directed appointed,	975
PATTERSON, G. B. :	
Treasurer directed to pay, for visiting penitentiary farms,	967
PICKFORD SANITARIUM :	
Indorsed,	975
PUBLIC PRINTER :	
Laws, journals and resolutions to be delivered to, immediately on adjournment of General Assembly,	974
PUBLIC PRINTING :	
Committee on, authorized to have governor's message printed,	954
Committee on, empowered to contract for public printing,	955
Form of contract between state and Edwards & Broughton and E. M. Uzzell,	978-982
R	
ROBINSON, C. H. :	
Certain money ordered returned to,	957
ROYALL AND BORDEN FURNITURE COMPANY :	
Warrant ordered drawn in favor of,	977
RANEY, R. B. :	
Treasurer authorized to refund the sum of \$50,	964
RAILROAD COMMISSIONERS :	
Payment of expenses in certain investigation authorized,	974
Time fixed for election of,	976
REEVES, DR. B. E. :	
Expenses of, for visiting Hospital for Insane at Goldsboro directed paid,	970
ROBESON, MISS :	
Amount ordered paid for certain typewriting services,	974
S	
SECRETARY OF STATE :	
Delivery of laws, journals and resolutions to public printer,	974
Authorized to furnish certain bill to fish commissioners at Washington,	957
SENATE COMMITTEE :	
Expenses of, for visiting Hospital for Insane at Goldsboro directed paid,	970
SENATORS, UNITED STATES :	
Resolution favoring election of, by popular vote,	953
Resolution of instruction to, regarding payment of war claims,	959
STATE LIBRARIAN :	
Date fixed for election of,	964
SOUTHER, W. J., AND KERLEY, S. C. :	
Treasurer directed to pay expenses of contest for seats of W. L. Lambert and G. G. Eaves,	966

	PAGE.
STATE'S PRISON :	
Time fixed for election of directors of,	958
Time fixed for electing to vacancies in directorship of,	960
Appointment of committee to ascertain vacancies existing on board of,	960
Directors of, notified of election,	961
Election of successor to Director R. H. Ricks.	961
Time set for election of directors of,	973
SMITH, J. B. :	
Warrant ordered drawn in favor of,	978
SUGG, J. E. W. :	
Paid counsel fees and costs for contest of seat of Mitchell, from Greene county,	961
SHELL FISH COMMISSIONERS :	
Secretary of State directed to have published certain bills relating to appointment of.	971
STATE LIBRARIAN :	
Time set for election of,	973
SMITH (SENATOR) OF STANLY :	
Reimbursed expenses incurred in visiting University and Greensboro Normal School,	968
STEVENS, HENRY B. :	
Regarding election of, as judge of western criminal court.	966
THOMAS, J. C. :	
Expenses of, for visiting penitentiary farms directed paid,	967
THIRD REGIMENT, CO. G. :	
Treasurer directed to pay \$150 nor certain expenses incurred,	969
TREASURER, PUBLIC :	
Committee appointed to investigate certain moneys paid out by,	957
TRAVIS, E. L. :	
Expenses of, for visiting penitentiary farms directed paid,	967

## U

UNIVERSITY, STATE :	
Appointment of committee on trustees,	958
Date fixed for election of trustees of,	964
Visiting committee to be paid expenses incurred,	968

## W

WALL, H. C. :	
Reimbursed expense incurred in visiting University and Greensboro Normal School,	968
WHITE, F. M. :	
Treasurer directed to pay expense of contested election case of Jones v. White.	968

	PAGE.
WILSON, J. W. AND S. O.:	
Committee appointed to investigate suspension of, as railroad commis- sioners,	954
Resolution to remove, from office lost.	966
WILSON OF GUILFORD:	
Reimbursed expense incurred in visiting University and Greensboro Nor- mal School,	968
WILLIAMS, O. P.:	
Expenses of, for visiting Hospital for Insane at Goldsboro directed paid,	970
WILLIAMS OF YADKIN:	
Reimbursed expense incurred in visiting University and Greensboro Nor- mal School,	968
WILLIAMS OF CUMBERLAND:	
Reimbursed expense incurred in visiting University and Greensboro Nor- mal School,	968











